

COMMISSION CONSENT ITEMS

SUBMITTED FOR COMMISSION REVIEW: Wednesday, February 7, 2007
DEADLINE FOR COMMISSION REVIEW: Tuesday, February 13, 2007

Approval of Minutes: No Minutes

1. **P-5707,6005/PA-07-45 OPEX Communications, Inc.**
Application for a Transfer of Control. (PUC: Lindell; DOC: Linscheid)
2. **P-5882/M-06-749 EN-TEL Communications, LLC**
911 Plan Update for the Outstate Area. (PUC: Lindell; DOC: Dietz)
3. **P-3012/M-06-1661 MCI metro Access Transmission Services LLC dba Verizon Business**
911 Plan for Facilities-Based Service in the Seven-county Metropolitan Area, and Carlton, Benton, Isanti, Olmsted, Sherburne, Stearns, St. Louis, and Wright counties. (PUC: Lindell; DOC: Rebholz)
4. **P-6612/NA-06-1604 My Tel Co, Inc.**
Application for a Certificate of Authority to Provide Resold Local Exchange Service and Interexchange Services. (PUC: Bierbaum; DOC: Rebholz)
5. **P-6589/NA-06-1716 First Communications, LLC**
Application for a Certificate of Authority to Provide Facilities-Based Local Exchange Service. (PUC: Bierbaum; DOC: Rebholz)
6. **P-556/M-07-77 Polar Communications Telephone Mutual Aid Corporation**
Request to Change the Name on the Company's Certificate of Authority to Polar Communications Mutual Aid Corporation. (PUC: Lindell; DOC: Dietz)
7. **P-5535/M-07-26 Charter Fiberlink, LLC**
Request to Amend the Company's Certificate of Authority to Expand its Service Area. (PUC: Oberlander; DOC: Doherty)
8. **P-421/AM-07-34 Qwest Corporation**
Request to Amend the Company's Certificate of Authority to Expand its Service Area. (PUC: Oberlander; DOC: Rebholz)

9. P-423/AM-07-83

Paul Bunyan Rural Telephone Cooperative

Request to Amend the Company's Certificate of Authority to Expand its Service Area and to Enable the Company to Provide Facilities-Based Local Service in the Itasca State Park Exchange (PUC: Oberlander; DOC: Dietz)

10. PT-6442,P-421/IC-07-85

**Prime Time Ventures, LLC;
Qwest Corporation**

Joint Application for Approval of the January 24, 2007 Amendment to the Companies' Interconnection Agreement (Originally Approved in Docket No. PT-6442,P421/IC-05-466); Removing Prime Time Ventures, LLC's Ability to Order to Purchase Qwest DSL from the Existing Interconnection Agreement as per the Federal Communications Commission's Report and Order and Notice of Proposed Rulemaking in CC Docket No. 02-33, Released September 23, 2005, Paragraphs 102-107. CLEC Has a Commercial Agreement with Qwest to Provide DSL (Docket No. PT-6442,P421/M-07-68). (PUC: Lindell; DOC: Linscheid)

11. P-6104/M-07-84

Infone LLC (fka North By NortheastCom LLC)

Relinquishment of the Company's Certificate of Authority to Provide Long Distance Service. (PUC: Oberlander; DOC: Schneider)

Signature of Subcommittee Chair

Date

All noted documents are hereby approved by the Commission acting under its authority in M.S. § 216A.03, subd. 8. Subcommittee decisions take effect as decisions of the full Commission if no objections to them within ten days of receipt.

February 7, 2007



Item 1

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

January 25, 2007

TRADE SECRET DOCUMENT

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **TRADE SECRET** Comments of the Minnesota Department of Commerce
Docket No. P5707,6005/PA-07-45

Dear Dr. Haar:

Attached are the **TRADE SECRET** comments of the Minnesota Department of Commerce in the following matter:

The Application for a Transfer of Control of OPEX Communications, Inc.

The petition was filed on January 12, 2007:

Katherine E. Barker Marshall
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007

The Department recommends **approval**, and is available to answer any questions the Commission may have.

Sincerely,

/s/ BRUCE L. LINSCHIED
Rates Analyst

BLL/sm
Attachment



TRADE SECRET DOCUMENT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

TRADE SECRET COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P5707,6005/PA-07-45

I. BACKGROUND

On January 12, 2007, the Minnesota Department of Commerce (Department) received a copy of a joint application (Application) for Minnesota Public Utilities Commission (Commission) approval of the transfer of control of OPEX Communications, Inc. (OPEX) from Premiercom Management Company (Premiercom) to Total Call International (Total Call) (collectively, the Applicants). Both OPEX and Total Call have Commission authority to provide interexchange services in Minnesota.¹ After consummation of the transactions, OPEX will retain its authorization to provide interexchange services and will continue to offer its services under the existing rates, terms and conditions.²

Control of OPEX transfers to Total Call from Premiercom. Total Call is a long distance reseller offering customers traditional long distance service, dial-up and DSL Internet service, VoIP, prepaid calling card and wireless services.³ OPEX is also a long distance reseller offering customers traditional long distance service, toll-free calling, calling card, mobile and fixed wireless, dial-up and dedicated Internet access, VoIP, conference calling and other Internet-based services. OPEX is a direct, wholly owned subsidiary of Premiercom. Premiercom is a privately-held corporation that functions as a holding company.⁴ On January 10, 2007, Total Call agreed

¹ Application, pages 3 and 4, and Commission Orders, Docket Nos. P6005/NA-01-474 (5-24-01) and P5707/NA-99-307 (3-23-99).

² Application, pages 1-2.

³ Application, page 2.

⁴ Application, page 3.

to purchase from Premiercom all of the issued and outstanding capital stock of OPEX for a note and cash. OPEX will become a direct, wholly-owned subsidiary of Total Call contingent upon the receipt of the required regulatory approvals (see Attached Exhibits A and B).⁵

The transfer of control is expected to be transparent to customers and in the public interest. Customers will continue to receive their existing services at the same rates, terms and conditions as at present, and OPEX is said to have the managerial, technical and financial qualification necessary to provide reliable services.⁶ Consumers are expected to benefit from the combination of these companies because they should benefit from economies of scale enabling them to increase their operating income and free cash flow and compete more effectively. Competition should not be affected because the Applicant's combined market share is said to be less than 10 percent of the interexchange market in the geographic markets in Minnesota where the operations of OPEX and Total Call overlap.⁷ Commission action is requested by April 30, 2007.⁸

II. STATEMENT OF ISSUES

- A. Does the transfer of control require Commission approval?
- B. Is the transfer of control in the public interest?
- C. Have the Applicants complied with Minnesota law requiring prior Commission approval of the transfer of control?
- D. Should OPEX's certificate of authority be cancelled?

III. LEGAL REFERENCES

Minn. Stat. §237.16, subd. 13 states that notwithstanding any provision of sections 237.035 and 237.74 to the contrary, services provided by a telecommunications carrier are subject to Statute 237 with the exception of sections 237.075, 237.081 and 237.22.

Minn. Stat. §237.23 states that it shall be unlawful for any telephone company, corporation, person, partnership, or association subject to the provisions of this chapter to purchase or acquire the property, capital stock, bonds, securities, or other obligations, or the franchises, rights, privileges, and immunities of any telephone company doing business within the state without first obtaining the consent of the commission thereto.

⁵ Application, page 5 and Trade Secret Exhibit C- Agreement.

⁶ Application, pages 2, 5 and 6.

⁷ Application, page 7.

⁸ Application, pages 2 and 8.

Minn. Stat. §237.74, subd. 12 provides that no telecommunications carrier shall construct or operate any line, plant, or system, or any extension of it, or acquire ownership or control of it, either directly or indirectly, without first obtaining from the commission a determination that the present or future public convenience and necessity require or will require the construction, operation, or acquisition, and a new certificate of territorial authority.

IV. ANALYSIS

A. *COMMISSION ACTION IS NEEDED FOR THIS TRANSACTION.*

The Commission has established a consistent precedent for requiring approval for any change of ownership affecting Minnesota telephone companies and telecommunications carriers. Commission approval is not required for corporate reorganizations in which ownership and control do not change, and the operating company is not impacted by a reorganization.⁹ However, control of OPEX will be transferred, and the Commission should review the transaction to determine if the transaction is in the public interest.

B. *THE PROPOSED TRANSFER OF CONTROL APPEARS TO BE IN THE PUBLIC INTEREST.*

Although OPEX's ownership will change, the proposed transfer of control does not involve the transfer of any operating authority, assets or customers, and its operations and customers will not be affected. Immediately following the closing, OPEX will continue to offer the same services at the same rates, terms and conditions. The only change will be that OPEX will be owned by Total Call.¹⁰

[TRADE SECRET DATA BEGINS OPEX appears to have resources to continue conduction successful operations. The financial statements of OPEX included in the Consolidating Financial Statements of Premiercom indicate that OPEX had a positive working capital position and stockholders' equity on November 30, 2006 and profitable operations for the eleven months ended November 30, 2006. OPEX reported current assets of \$2.5 million and current liabilities of \$1.4 million. It reported \$701,000 of long-term liabilities or disputed carrier billings, and \$593,000 of stockholders' equity.¹¹

Total Call's operations have expanded in the last year. Operating revenues increased from \$76.8 million to \$116.8 million, net income increased from \$683,000 to \$1.3 million, and operating cash flows increased from \$3.8 million to \$6.3 million for the years ended

⁹ *In the Matter of an Application for Approval of a Corporate Reorganization by Winstar Wireless, Inc.*, Docket No P5246/PA-00-925, August 25, 2000.

¹⁰ Applications, page 2.

¹¹ January 22, 2007 submission of the financial statements of OPEX and Total Call by representatives for the Applicants in response to the Department's January 17, 2007 electronic information request.

April 30, 2005 and 2006. Total Call's negative working capital reflected corresponding increases. Current assets increased from \$9.8 million to \$21.7 million, and current liabilities increased from \$15.7 million to \$27.2 million on April 30, 2005 and 2006. No long-term liabilities were reported for either year, and its stockholders' deficit improved from \$2.5 million in 2005 to \$1.6 million in 2006.¹² **TRADE SECRET DATA ENDS]**

OPEX should have the resources to provide reliable services to its customers. Rates, terms and conditions of service are not expected to change.¹³ The Applicants state that OPEX will continue to have the managerial, technical and financial qualifications that were reviewed in its new authority application, and OPEX's management personnel appear to have the background and experience to deliver reliable services.¹⁴ OPEX has conducted successful operations as a wholly owned subsidiary of Premiercom. Total Call does not have a strong capital position, but it appears to have growing and improved operations. The proposed transfer of control should be in the public interest.

C. THE APPLICANTS HAVE COMPLIED WITH THE REQUIREMENT TO REQUEST PRIOR COMMISSION APPROVAL FOR THE PROPOSED TRANSFER OF ASSETS.

The January 10, 2007 stock purchase agreement (Agreement) was entered into by the Applicants and provides for prior regulatory approvals.¹⁵ No violation of Minn. Stat. §§237.23 and 237.74, subd. 12 is expected to occur.

D. OPEX'S OPERATING AUTHORITY SHOULD NOT BE CANCELLED.

OPEX does not seek to surrender its authorization. The proposed transfer of control does not involve a transfer of operating authority, and it will not affect the identity of the company authorized to provide telecommunications services in Minnesota.¹⁶

V. COMMISSION ALTERNATIVES

- Approve the transfer of control of OPEX Communications, Inc.
 - Applicants must file a notice of consummation within 20 days of the closing of the transaction.

¹² January 22, 2007 submission of the financial statements of OPEX and Total Call by representatives for the Applicants in response to the Department's January 17, 2007 electronic information request.

¹³ Application, pages 1 and 6.

¹⁴ Application, page 3 and Initial Filing in Docket No. P5707/ NA-99-307, Biographies of Sean Trepeta, President, Thomas W. Jacobs, Chairman and CEO, and John Wonak, Chief Financial Officer & Secretary/Treasurer.

¹⁵ Application, Exhibit C-Trade Secret Purchase Agreement, Section 6.6, page 21.

¹⁶ Application, page 1.

- OPEX Communications, Inc. will continue to provide interexchange services under its current authority.
- Approve the Application with Modifications.
- Reject the Application.

VI. RECOMMENDATION

- Approve the transfer of control of OPEX Communications, Inc.
 - Applicants must file a notice of consummation within 20 days of the closing of the transaction.
 - OPEX Communications, Inc. will continue to provide interexchange services under its current authority.

/sm

EXHIBIT A

PRE-TRANSACTION CORPORATE CHARTS

Current Corporate Structure

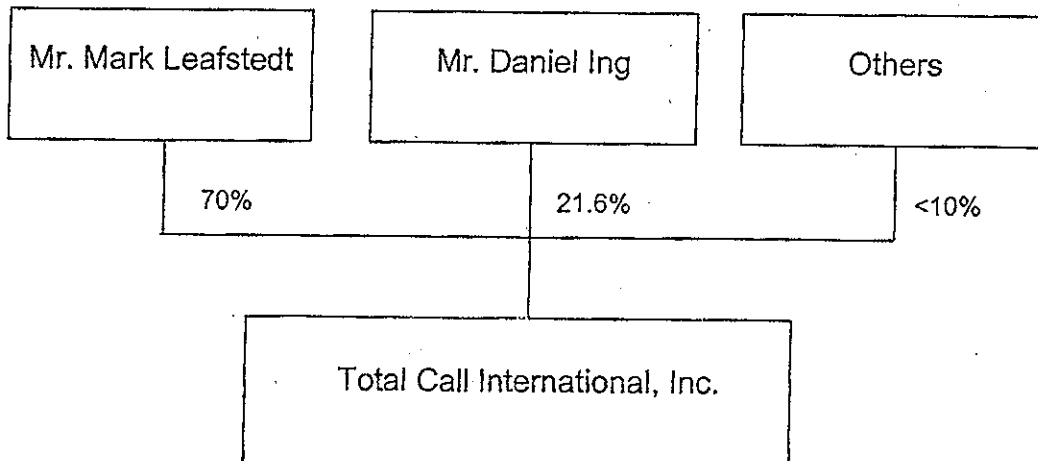
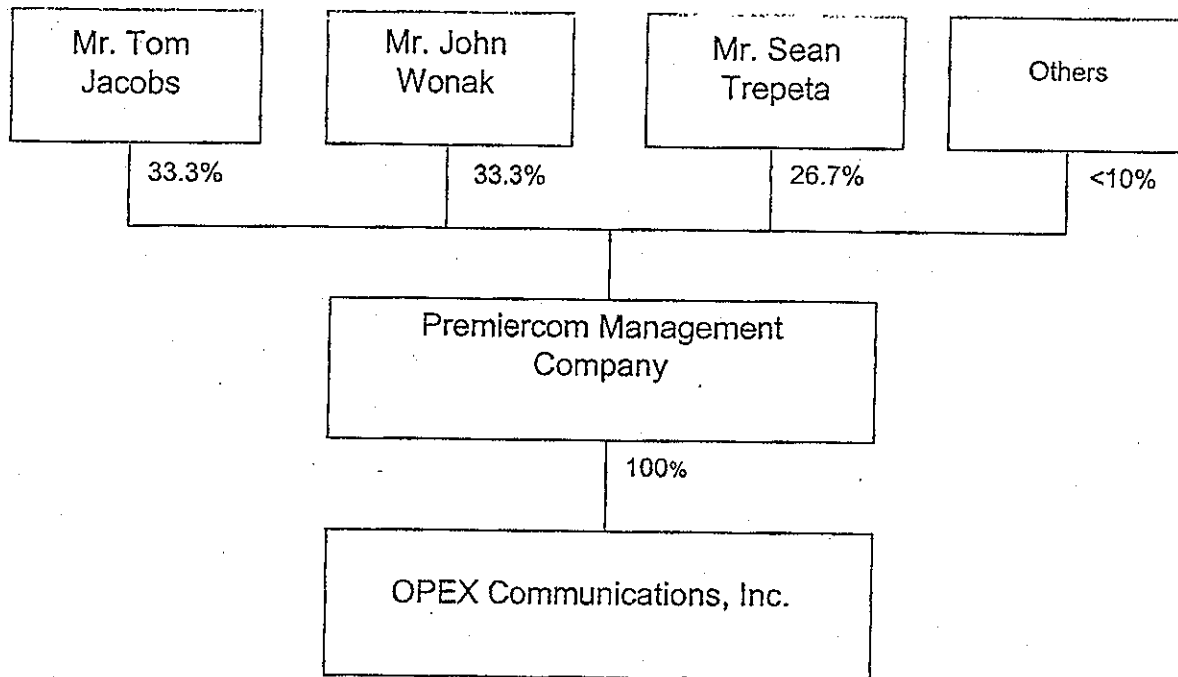
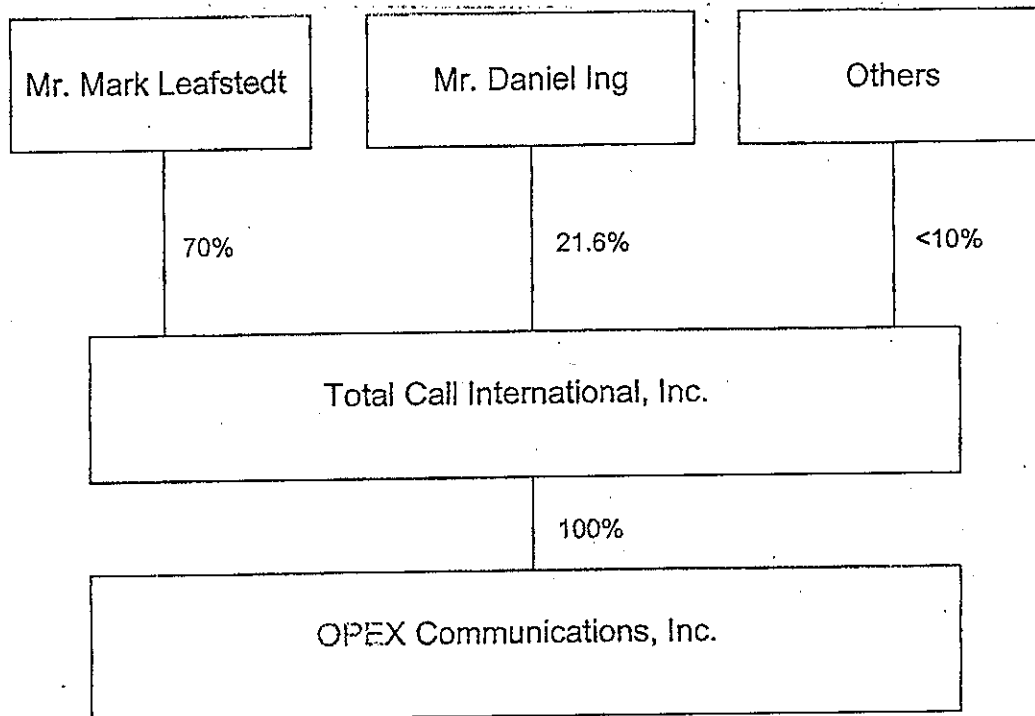


EXHIBIT B

POST-TRANSACTION CORPORATE CHARTS

Corporate Structure Post-Close





Item 2

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

January 30, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: 911 Plan Update for EN-TEL Communications, LLC
Docket No. P5882/M-06-749

Dear Dr. Haar:

Attached is the Department's checklist for processing 911 plans. The checklist reflects the requirements of Minnesota law and the Commission's rules.

The 911 plan update was filed on: May 23, 2006 and revised on January 17, 2007 for the outstate area.

The 911 plan was filed by:

Gene R. South, Sr.
CEO/General Manager
EN-TEL Communications, LLC
9938 State Highway 55 NW, P.O. Box 340
Annandale, MN 55302-0340

Conditions for approval: Approve with no conditions

The Department's analysis finds that the 911 plan update complies with the Commission's requirements as indicated on the attached Checklist. The Department is submitting this memorandum to the Commission requesting that the Executive Secretary issue an order approving the filing, either at a Commission hearing or by way of the Commission's Consent calendar process.

Sincerely,

/s/ DIANE DIETZ
Rate Analyst

DD/ja
Attachment

CHECKLIST FOR PROCESSING 911 PLANS

I. TYPE OF 911 PLAN

- ☐ A. 911 Plan filed for company certified as a facilities-based local exchange service provider that provisions service with some of its own facilities in Minnesota.
- ☒ B. 911 Plan filed for company certified as a facilities-based local exchange service provider that does not use any of its own facilities to provision service in Minnesota. BEFORE PROVIDING FACILITIES-BASED SERVICE, COMPANY MUST FILE AND RECEIVE COMMISSION APPROVAL OF A FACILITIES-BASED 911 PLAN.
- ☐ C. 911 Plan for company certified only to provide service in Minnesota as a reseller of local exchange service

II. FILING REQUIREMENTS FOR 911 PLANS

Minn. Stat. §237.16 mandates that companies obtain a certificate of authority prior to offering regulated telecommunications services in Minnesota. Minn. Rules pt. 7812.0600 includes 911 access as a basic service requirement. Minn. Rules pt. 7812.0550, subpt. 1 requires a competitive local exchange carrier to obtain Commission approval of a comprehensive 911 plan before providing local service in an area. Minn. Rules pt. 7812.0550, subpt. 3 establishes the requirements for a 911 plan. In determining whether to approve a competitive local exchange carrier's 911 plan under Minn. Rules pt. 7812.0550, subpt. 1, consideration must be given to a carrier's ability and intent to:

- ☒ A. Comply with Chapter 1215:
- ☐ NA i. Letter has been received from Metropolitan Emergency Services Board indicating statutory compliance (if seven county metro area is affected).
- ☒ ii. Letter has been received from Department of Public Safety indicating statutory compliance.
- ☒ B. Integrate into the 911 tandem network as specified in the relevant county plan to achieve appropriate tandem-based choking, if the county is served by a tandem network;
- ☒ C. Design a network with adequate diversity and default-routing capability;
- ☒ D. Provide for the display at the public safety answering point (PSAP) of the customer's old and new telephone numbers when call-forwarding technology is used for interim number portability;
- ☒ E. Cooperate with each relevant county and system integrator in developing a 911 contingency plan;

- ☒ F. Maintain circuit-routing profiles and expedite service restoration;
- ☒ G. Share customer information and data consistent with current national standards for sharing information related to providing emergency telephone service;
- ☒ H. Enter into nondisclosure agreements with the ALI database provider;
- ☒ I. Submit data to the ALI database provider in the format required by the database provider;
- ☒ J. Ensure that the competitive local exchange carrier's identify is shown on the ALI record sand displayed at the PSAP to the extent required by the county; and
- ☒ K. Provide for operator-assisted emergency calls, including calls from speech-impaired, hearing-impaired, or non-English speaking customers.

III. RECOMMENDATIONS OF THE DEPARTMENT

- ☒ A. Approve the proposed 911 plan.
- ☐ B. Approve the proposed 911 plan contingent upon the carrier making the following revisions to the plan and filing a final copy of the 911 plan with the Minnesota Public Utilities Commission and the Department of Commerce:
 - ☐ 1. Revise the proposed 911 plan consistent with the changes requested by the Metropolitan Emergency Services Board in its comments of _____.
 - ☐ 2. Revise the proposed 911 plan consistent with the changes requested by the State 911 Coordinator of the Department of Public Safety in its comments of _____.
 - ☐ 3. Revise the proposed 911 plan consistent with the changes requested by the _____ in its comments of _____.
 - ☐ 4. Make the following other revisions to the 911 plan:

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

ARMER/911 Program

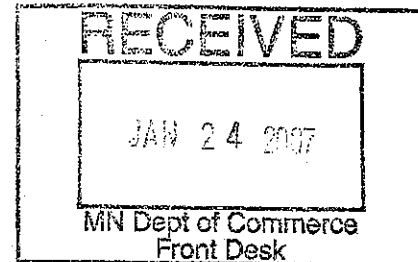
444 Cedar Street • Suite 137 • Saint Paul, Minnesota 55101-5137
Phone: 651.201.7000 • Fax: 651.296.2665 • TTY: 651.282.6555
www.dps.state.mn.us

John

January 18, 2007



Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 7th Place East
St. Paul, Minnesota 55101-2147



Dear Dr. Haar:

SUBJECT: En-Tel Communications, LLC's revised updated reseller plan for Greater Minnesota. Docket Number P5882/M-06-749.

The Department of Public Safety has reviewed the revised 911 plan from En-Tel Communications, LLC, for resold local telephone service in Greater Minnesota. Our review of this plan is limited to whether the company's plan addresses the minimum standards of the Minnesota Statutes §403.02 to 403.113, and Minnesota Code of Administrative Rules, Chapter 1215. This review should not be considered as a commitment for reimbursement of the 911 expenses which must be provided for in a contract in accordance with Minnesota Statute §403.11.

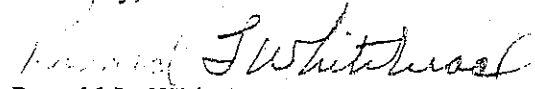
En-Tel Communications, LLC has submitted the corrections in the comment letter from The Department of Public Safety, dated June 20, 2006..

The Department of Public Safety recommends approval of the plan submitted by En-Tel Communications LLC. This determination is based solely on a review of the 911 plan filed for En-Tel Communications LLC, and is subject to change if any of the information contained in said plan is later to be found incorrect or incomplete. Should there be any changes to methods, operations, procedures described in the 911 plan, network configuration, routing, service area or other significant alteration, En-Tel Communications, LLC, is required to file by amendment, notification of those changes to the Commission and the State of Minnesota.

The Department of Public Safety requests En-Tel Communications, LLC, file at a minimum, an update to their 911 plan at least on an annual basis, **no later than June 1** of each year.

If you have questions please contact me at 651-201-7546.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Whitehead".

Ronald L. Whitehead
ARMER/911 Program Director
Department of Public Safety



85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

January 31, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 7th Place East
St. Paul, Minnesota 55101-2147

RE: 911 Plan for MCImetro Access Transmission Services LLC dba Verizon Business
(Facilities-based service in the seven-county metropolitan area, and Carlton, Benton, Isanti,
Olmsted, Sherburne, Stearns, St. Louis, and Wright counties)
Docket No. P3012/M-06-1661

Dear Dr. Haar:

Attached is the Department's checklist for processing 911 plans. The checklist reflects the requirements of Minnesota law and the Commission's rules.

The 911 plan was filed on: December 11, 2006

The 911 plan was filed by:

Maria Sipriano, ENP
E911 Planning Engineer
Verizon Business
2400 North Glenville Drive
Richardson, TX 75082

Conditions for approval: None; however, company should make changes requested by MESB in its next 911 plan update.

The Department's analysis finds that the 911 plan complies with the Commission's requirements as indicated on the attached Checklist. The Department is submitting this memorandum to the Commission requesting that the Executive Secretary issue an order approving the filing, either at a Commission hearing or by way of the Commission's Consent calendar process.

Sincerely,

/s/ MICHELLE REBHOLZ
Rates Analyst

MR/sm
Attachment

Company: MCI metro Access Transmission Services LLC dba Verizon Business

CHECKLIST FOR PROCESSING 911 PLANS

I. TYPE OF 911 PLAN

- ☒ A. 911 Plan for company certified as a facilities-based local exchange service provider that provisions service with some of its own facilities in Minnesota.
- ☐ B. 911 Plan for company certified as a facilities-based local exchange service provider that does not use any of its own facilities to provision service in Minnesota.
BEFORE PROVIDING FACILITIES-BASED SERVICE, COMPANY MUST FILE AND RECEIVE COMMISSION APPROVAL OF A FACILITIES-BASED 911 PLAN.
- ☐ C. 911 Plan for company certified only to provide service in Minnesota as a reseller of local exchange service

II. FILING REQUIREMENTS FOR 911 PLANS

Minn. Stat. §237.16 mandates that companies obtain a certificate of authority prior to offering regulated telecommunications services in Minnesota. Minn. Rules pt. 7812.0600 includes 911 access as a basic service requirement. Minn. Rules pt. 7812.0550, subpt. 1 requires a competitive local exchange carrier to obtain Commission approval of a comprehensive 911 plan before providing local service in an area. Minn. Rules pt. 7812.0550, subpt. 3 establishes the requirements for a 911 plan. In determining whether to approve a competitive local exchange carrier's 911 plan under Minn. Rules pt. 7812.0550, subpt. 1, consideration must be given to a carrier's ability and intent to:

- ☒ A. Comply with Chapter 1215:
- ☒ i. Letter has been received from Metropolitan Emergency Services Board indicating statutory compliance (if seven county metro area is affected).
- ☒ ii. Letter has been received from Department of Public Safety indicating statutory compliance.
- ☒ B. Integrate into the 911 tandem network as specified in the relevant county plan to achieve appropriate tandem-based choking, if the county is served by a tandem network;
- ☒ C. Design a network with adequate diversity and default-routing capability;
- ☒ D. Provide for the display at the public safety answering point (PSAP) of the customer's old and new telephone numbers when call-forwarding technology is used for interim number portability;

- ☒ E. Cooperate with each relevant county and system integrator in developing a 911 contingency plan;
- ☒ F. Maintain circuit-routing profiles and expedite service restoration;
- ☒ G. Share customer information and data consistent with current national standards for sharing information related to providing emergency telephone service;
- ☒ H. Enter into nondisclosure agreements with the ALI database provider;
- ☒ I. Submit data to the ALI database provider in the format required by the database provider;
- ☒ J. Ensure that the competitive local exchange carrier's identify is shown on the ALI record sand displayed at the PSAP to the extent required by the county; and
- ☒ K. Provide for operator-assisted emergency calls, including calls from speech-impaired, hearing-impaired, or non-English speaking customers.

III. RECOMMENDATIONS OF THE DEPARTMENT

- ☒ A. Approve the proposed 911 plan.
- ☐ B. Approve the proposed 911 plan contingent upon the carrier making the following revisions to the plan and filing a final copy of the 911 plan with the Minnesota Public Utilities Commission and the Department of Commerce:
 - ☐ 1. Revise the proposed 911 plan consistent with the changes requested by the Metropolitan Emergency Services Board in its comments of _____.
 - ☐ 2. Revise the proposed 911 plan consistent with the changes requested by the State 911 Coordinator of the Department of Public Safety in its comments of _____.
 - ☐ 3. Revise the proposed 911 plan consistent with the changes requested by the _____ in its comments of _____.
 - ☐ 4. Make the following other revisions to the 911 plan:
 - _____
 - _____
 - _____
 - _____



METROPOLITAN
EMERGENCY SERVICES BOARD

2099 UNIVERSITY AVENUE WEST
SUITE 201
SAINT PAUL, MINNESOTA
55104-3431

PHONE 651-643-8395
FAX 651-603-0101
WWW.MN-MESB.ORG

January 11, 2007

Dr. Burl Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147


SUBJECT: Docket No. P3012/M-06-1661

Dear Dr. Haar:

Enclosed please find the original comments from the Metropolitan Emergency Services Board in the matter of the 2006 911 Plan update for MCImetro Access Transmission Services LLC.

If you have questions, I can be reached at 651-643-8377 or peggimann@mn-mesb.org.

Sincerely,


Pete Eggimann, ENP
Director of 911 Services

Enclosures

Copy: Service List

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer
Kenneth Nickolai
Phyllis Reha
Marshall Johnson
Thomas Pugh

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of MCImetro Access
Transmission Services LLC
2006 Update to 911 Plan

Docket No.: **P3012/M-06-1661**

COMMENTS OF THE METROPOLITAN EMERGENCY SERVICES BOARD

The Metropolitan Emergency Services Board has reviewed the 2006 911 Plan update filed by MCImetro Access Transmission Services LLC on December 7, 2006.

The MCImetro Access Transmission Services LLC 2005 911 Plan update as filed on December 7, 2006 satisfactorily addresses the Minnesota Public Utilities Commission's rules, Ch. 7812.0550, as they relate to MCImetro Access Transmission Services' integration into the existing metro area 911 network.

The Metropolitan Emergency Services Board requests that the following correction be made in subsequent 911 Plan update filings made by the company:

- **Section F.2.2 Describe how error corrections will be conducted**

The company states that they will comply with the Minneapolis 911 Database Standard #6. This is an incorrect reference and should be corrected to state Metropolitan Emergency Services Board Database Standard #6.

This determination is based solely on a review of the 911 Plan update filed by MCImetro Access Transmission Services LLC on December 7, 2006, and is subject to change if any of the information contained in said Plan is later found to be incorrect or incomplete. Should there be any changes to methods, operations or procedures described in the 911 Plan, or other significant alterations, MCImetro Access Transmission Services LLC is requested to file, by amendment, notification of those changes to the Commission, the State of Minnesota and the Metropolitan Emergency Services Board. The Board requests that MCImetro Access Transmission Services LLC file, at a minimum, an update to their 911 Plan at least on an annual basis, and no later than June 1 of each calendar year.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

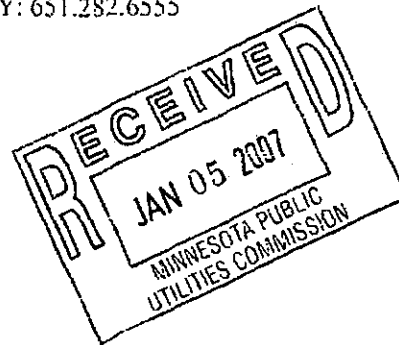


ARMER/911 Program

444 Cedar Street • Suite 137 • Saint Paul, Minnesota 55101-5137
Phone: 651.201.7000 • Fax: 651.296.2665 • TTY: 651.282.6555
www.dps.state.mn.us

January 3, 2007

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 7th Place East
St. Paul, Minnesota 55101-2147



Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

Dear Dr. Haar:

**SUBJECT: MCImetro Access Transmission Services LLC's updated 911 plan for 2006, for the metro area, Carlton, Benton, Isanti, Olmsted, Sherburne, Stearns, St. Louis and Wright Counties.
Docket Number P5321/M-06-1625-1661**

The Department of Public Safety has reviewed the revised plan from MCImetro Access Transmission Services LLC, for facilities based local telephone service in the Metro area, Carlton, Benton, Isanti, Olmsted, Sherburne, Stearns, St. Louis and Wright Counties. Our review of this plan is limited to whether the company's plan addresses the minimum standards of the Minnesota Statutes §403.02 to 403.113, and Minnesota Code of Administrative Rules, Chapter 1215. This review should not be considered as a commitment for reimbursement of the 911 expenses which must be provided for in a contract in accordance with Minnesota Statute §403.11.

The Department of Public Safety recommends approval of the plan submitted by MCImetro Access Transmission Services LLC. This determination is based solely on a review of the 911 plan filed for MCImetro Access Transmission Services LLC, and is subject to change if any of the information contained in said plan is later to be found incorrect or incomplete. Should there be any changes to methods, operations, procedures described in the 911 plan, network configuration, routing, service area or other significant alteration, MCImetro Access Transmission Services LLC, is required to file by amendment, notification of those changes to the Metropolitan Emergency Services Board, the Commission and the State of Minnesota.

The Department of Public Safety requests MCImetro Access Transmission Services LLC, file at a minimum, an update to their 911 plan at least on an annual basis, **no later than June 1** of each year.

If you have questions please contact me at 651-201-7546.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Whitehead".

Ronald L. Whitehead
AR/MER/911 Program Director
Department of Public Safety



Item 4

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

January 31, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: In the Matter of the Application of My Tel Co, Inc. for a Certificate of Authority to Provide
Resold Local Exchange Service and Interexchange Services
Docket No. P6612/NA-06-1604

Dear Dr. Haar:

Applications for certificates of authority may be approved without hearing under Minn. Stat. §216A.03, subd. 7. The Public Utilities Commission's (Commission) Order designating certain applications for certificates of authority as being subject to a standing Order was issued on August 25, 2000 in Docket No. P999/CI-00-634. The use of a standing Order is to apply to filings submitted on or after September 1, 2000.

As required by the Commission's August 25, 2000 Order, the Department of Commerce (Department) has reviewed and analyzed the current filing. Attached is the Department's checklist for processing applications for certificates of authority. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules.

The application for certification was filed on: December 19, 2006

The application was filed by:

Craig Neeld
Technologies Management, Inc.
210 North Park Avenue
Winter Park, FL 32790-0200

The application requested the following type of certification: Certificate of Authority to provide Resold Local exchange services and Interexchange service. The applicant intends to resell the service of a CLEC, Cordia Communications Corp; accordingly, the Department has not recommended that the applicant be required to receive Commission approval of an ICA with the ILECs serving the applicant's proposed service area.

Market Assurance: 1.800.657.3602
Energy Information: 1.800.657.3710
www.commerce.state.mn.us

Licensing: 1.800.657.3978
Unclaimed Property: 1.800.925.5668
An Equal Opportunity Employer

Burl W. Haar
January 31, 2007
Page Two

Recommended Action: Conditional Approval of the Application to provide Resold Local Exchange and Interexchange services.

Conditions to Receive Operational Authority for Local Exchange Service:

- 1) Commission approval of 911 plan for each area served;
- 2) Company shall include in its tariff and customer service script a definition of "normal residential usage;"
- 3) Customer service scripts shall be reviewed by OAG-RUD and Department, and may not be used until both agencies indicate no objections.
- 4) Company may only service in areas of the state where its underlying carrier has operational authority.

The applicant may not provide local services until conditions listed above for local exchange service have been fulfilled.

The Department's analysis finds that the Application for Certification complies with the Commission's requirements as indicated on the attached checklists. The Department is submitting this memorandum recommending that the Commission approve the Application for Certification either at a Commission hearing or by way of the standing order process approved by the Commission on August 25, 2000.

Sincerely,

/s/ MICHELLE REBHOLZ
Rates Analyst

MR/sm
Attachment

**CHECKLIST FOR PROCESSING APPLICATIONS FOR
CERTIFICATES OF AUTHORITY**

Key

X: Analyst has reviewed this item and found item to be compliant with law, or confirming information is contained in the filing.

NC: Analyst has reviewed this item and found non-compliance with law.

W: Noncompliance with Rules, but Waiver Requested. Recommendation section will state if waiver is supported by DOC.

NA: Not Applicable, or does not describe characteristic of filing or applicant.

Blank space: Spaces may be left blank if they are for inapplicable subparts to a checklist item, or if only one of several choices is to be selected.

I. TYPE OF CERTIFICATION REQUESTED BY APPLICANT

- ☐ A. Facilities-based local exchange company (Note, Minn. Rules pt. 7812.0200, subpt. 2 states that a certificate to provide facilities-based local exchange service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota)
- ☐ i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority (not subject to August 25, 2000 standing Order in Docket No. P999/CI-00-634)
- ☒ B. Resale of local exchange service
- ☒ i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority
- ☒ C. Long Distance Service
- ☒ i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority
- ☐ D. Local Niche Service
- ☐ i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority

II. GEOGRAPHIC AREA OF CERTIFICATION

- ☐ A. Facilities-based local exchange company
- ☐ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
- ☐ statewide
- ☐ other (specify exchanges) _____
- ☐ b. Exchanges served by Qwest Corporation
- ☐ statewide
- ☐ other (specify exchanges) _____
- ☐ c. Exchanges served by Sprint Minnesota
- ☐ statewide
- ☐ other (specify exchanges) _____

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- ☐ d. Exchanges served by Frontier Communications of Minnesota
 ☐ statewide
 ☐ other (specify exchanges) _____
- ☐ e. Exchanges served by the following incumbent local exchange companies:

 ☐ statewide
 ☐ other (specify exchanges) _____
- ☒ B. Resale of local exchange service
- ☒ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
 ☐ statewide
 ☐ other (specify exchanges) _____
- ☒ b. Exchanges served by Qwest Corporation
 ☒ statewide
 ☐ other (specify exchanges) _____
- ☒ c. Exchanges served by Sprint Minnesota
 ☒ statewide
 ☐ other (specify exchanges) _____
- ☒ d. Exchanges served by Frontier Communications of Minnesota
 ☒ statewide
 ☐ other (specify exchanges) _____
- ☒ e. Exchanges served by the following incumbent local exchange companies:
 All _____

 ☒ statewide
 ☐ other (specify exchanges) _____
- ☒ C. Long Distance Service
- ☒ i. Statewide
- ☐ ii. Other (specify) _____
- ☐ D. Local Niche Service
- ☐ i. Statewide
- ☐ ii. Other (specify) _____

III. APPLICATION REQUIREMENTS OF THE APPLICANT

Minn. Stat. §237.16, subd. 1(b) and §237.74, subd. 12 mandate that companies obtain a certificate of authority prior to offering regulated telecommunications services in Minnesota. A conditional certificate of authority is permitted under Minn. Rules pts. 7812.0300, subpt. 4 and 7812.0350, subpt. 4 when the submission and Commission approval of tariffs and interconnection agreements is a prerequisite for providing the services identified in the applicable petition for certification. The requirements for certification for providers of facilities-based local exchange service, resellers of local exchange service, long distance service, and local niche services are listed in Minn. Rules pt. 7812.0300, 7812.0350, 7812.0400, and 7812.0500 respectively.

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Minn. Rules pt. 7812.0300, subpt. 2 (parts A through N) describe the application requirements and the decision criteria for granting a certificate of authority. Companies applying for certification to provide long distance, local niche, or resale of local service must meet A to L of the filing requirements, except for the information, relevant to facilities-based local exchange service providers, which is identified in Minn. Rules pt. 7812.0300, subpt. 2, items G and K.

The application requirements of Minn. Rules pt. 7812.0300, subpt. 2 (A through N) are as follows:

- x A. Company has the managerial, technical and financial ability, required under Minnesota law, to provide telecommunications services in Minnesota.
- x B. All applications must include the applicant's full legal name and address, including the address of the applicant's place of business; if a corporation, the names, addresses, telephone numbers, and business experience of its officers; if a partnership or limited liability partnership, the names, addresses, telephone numbers, and business experience of persons authorized to bind the partnership; or, if a limited liability company, the names, addresses, and telephone numbers of its managers;
- x C. All applications must include a description of the applicant's organizational structure, including documentation identifying the petitioner's legal status, for example, sole proprietorship, partnership, limited liability partnership, company, limited liability company, corporation, and so forth; a copy of its articles of incorporation; and, a list of shareholders, partners, or members owning ten percent or more of the interest in the business;
- x D. All applications must include a list of the applicant's affiliates, subsidiaries, and parent organizations, if any;
- x E. All applications must include a description of the nature of the applicant's business, including a list of the services it provides. Note: Applicants that intend to provide prepaid local service must include a statement indicating that they have reviewed Minnesota Rules part 7810.1800-7810.2300 and that their proposed service complies with these Rules. Specifically, these Rules do not allow a carrier to disconnect an end user until the end user has received a disconnect notice. Disconnect notices may not be issued until after an event listed under Minnesota Rules 7810.1800 (A)-(H) has occurred.
- x F. All applications must include a description of the applicant's business history, including: (1) the date the business was first organized, the dates of subsequent reorganizations, and the date the applicant started providing telephone or other telecommunications services; and (2) the applicant's experience providing telephone company services or telecommunications services in Minnesota and other jurisdictions, including the types of services provided, the dates and nature of state or federal authorization to provide those services, the length of time it has provided those services, and pending or completed criminal, civil, or administrative action taken against the applicant by a state or federal authority, including any settlements, in connection with the applicant's provision of telephone company services or telecommunications services;

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- x G. All applications must include a financial statement of the applicant, for the most recent fiscal year and the financial statement must consist of a balance sheet, an income statement, notes to the financial statement, and, if available, an annual report;
 N/A (i) Positive equity (required for facilities-based authority)
 x (ii) Company has the financial capacity necessary for the proposed undertaking
- N/A H. Applications for facilities-based authority must include a list and description of the types of services the applicant seeks authority to offer: (1) including the classes of customers the applicant intends to serve; (2) indicating the extent to which it intends to provide service through use of its own facilities, the purchase of unbundled network elements, or resale; (3) identifying the types of services it seeks authority to provide by reference to the general nature of the service, for example, voice, custom calling, signaling, information, data, and video; and (4) listing the technology that will be used to deliver the service, for example, fiber-optic cable, digital switches, or radio;
- x I. All applications must include a proposed price list or tariff setting forth the rates, terms, and conditions of each service offering, unless the applicant is seeking a conditional certificate under subpart 4 and has not yet developed the information listed in this item;
 (i) Tariff checklist is satisfactory
- x J. Applications for authority to provide local exchange service must include a service area map providing the information required under part 7810.0500, subpart 2, and narrative description of the area for which the applicant is seeking certification, except that if the applicant does not have the necessary agreements or tariffs to serve the entire area for which certification is sought, a map providing the information required under part 7810.0500, subpart 2, and a narrative delineating specifically those areas in which the applicant is currently prepared to provide service. A list of each of the exchanges for which the company is seeking certification will be accepted as the service area map where the entire exchange is served and each exchange is individually identified. Note also that applications for authority to provide local niche service must include a narrative description of the area for which the applicant is seeking certification;
- x K. All applications must include the date by which the applicant expects to offer local service to the entire service area for which the applicant is seeking certification, including the applicant's estimated timetable for providing at least some of its services through use of its own network facilities;
- N/A L. Applications for facilities-based authority must include a description of the applicant's policies, personnel, and equipment or arrangements for customer service and equipment maintenance, including information demonstrating the applicant's ability to respond to customer complaints and inquiries promptly and to perform maintenance necessary to ensure compliance with the quality requirements set forth in the Commission's rules;
- x M. All applications must include a copy of the applicant's certificate to conduct business from the Minnesota Secretary of State;

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- N/A N. An application for facilities-based authority must include a description of the applicant's technology and facilities, as well as the location or proposed location of those facilities;
- ___ i. Description of end users' connection to the network:
- ___ Connection to network will be made through ILEC's local loop.
- ___ Broadband connection will be used to access the network:
- ___ 1. Connecting signal will be integrated into the end user's connection with the Internet.
- ___ 2. Connecting signal will be a separate connection on the same facility.
- ___ 3. Connecting signal will be on a separate facility from the end user's Internet access. Explain:
- ___ Connection to network will be made through a facility other than LEC's local loop or broadband connection.
- ___ ii. Description of method to provision transport between different local calling areas:
- ___ transport provisioned via public switched network.
- ___ transport provisioned via public Internet backbone.
- ___ transport provisioned via private IP network.
- ___ transport provisioned via other method. Explain
- ___ iii. Description of location of switches or soft-switches that the applicant will use to provide the facilities based local services.
- ___ iv. Description of the availability of nomadic connection to network:
- ___ Nomadic connection available (i.e. service can be used from more than one location).
- ___ Nomadic connection not available.
- ___ v. Description of whether the facilities based local service permits a Minnesota end user to be assigned a telephone number associated with a rate center in which the end user is not physically located.
- ___ vi. Description of scope of facilities based local service offering:
- ___ Service to be offered on retail basis.
- ___ Service to be offered on wholesale basis.
- ___ vii. Description of target market for facilities based local services:
- ___ Individual residential households.
- ___ Small business customers.
- ___ Large business/large organization customers.
- ___ Other CLECs and ILECs.
- x O. Other information needed to demonstrate that the applicant has the managerial, technical, and financial ability to provide the services it intends to offer consistent with the requirements of this chapter and applicable law including the following:
- x i. All applicants must have a toll-free number required pursuant to Minn. Rules pt. 7812.0300, subpt. 3(G).
- x Toll free number has been called.
- x 1. Toll-free number is operational.
- ___ 2. Toll-free number is not operational. Explain: x Company states that toll free number will appear on customer bills.

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- x ii. All applications must include a description of the extent to which the applicant has had any civil, criminal, or administrative action against it in connection with the applicant's provision of telecommunications services.
- w iii. All applications for authority to provide local service must be served on the Department, the OAG-RUD, the Department of Administration, persons certified to provide telecommunications service within the petitioner's designated service area, and the city clerk, or other official authorized to receive service or notice on behalf of the municipality, of all municipalities within the petitioner's designated service area in compliance with Minn. Rules pt. 7812.0200, subpt. 6.
- x iv. Applicants requesting authority to provide local exchange service must file a 911 plan that complies with the requirements of Minn. Rules pt. 7812.0550.
 911 checklist is satisfactory
- x v. Applicants requesting authority to provide local exchange service must agree to offer the following services to all customers pursuant to Minn. Rules pt. 7812.0600 (basic service requirements):
 - x single party voice-grade service and touch-tone capability;
 - x 911 or enhanced 911 access;
 - x 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
 - x access to directory assistance, directory listings, and operator services;
 - x toll and information service-blocking capability without recurring monthly charges as provided in the Commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P999/CI-96-38 (September 16, 1996);
 - x one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
 - x a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
 - x call-tracing capability according to chapter 7813;
 - x tariff language on blocking capability according to the Commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P999/CI-92-992 (December 3, 1993). Specifically, these Orders require companies offering CLASS services to offer per call business blocking to certain businesses (i.e., businesses which meet special criteria), anonymous call rejection, and per call unblocking of blocked lines without a separate charge. Businesses that meet special criteria include law firms and medical offices. Residential customers must be offered per line and per call blocking. There must be no recurring

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- ☒ charges for blocking of caller identification services. A one-time cost-based installation fee maybe applied to customers who request line blocking after an initial period of at least 90 days; and
- ☒ telecommunications relay service capability or access necessary to comply with state and federal regulations.
- ☒ A Separate flat rate service offering. At a minimum, each local service provider (LSP) shall offer the services identified in Minn. Rules pt. 7812.0600, subpt. 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and Commission Orders.
- ☒ Service area obligations: A LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.
- ☒ Service disconnection. An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to 7810.2000, except that it shall not disconnect basic local service for nonpayment of toll or information service charges or any service other than basic local service.
- ☒ A competitive local exchange carrier shall offer each end user at least one flat rate calling area that matches the flat rate calling area offered that customer by the local exchange carrier under Minn. Rules pt. 7812.0900, subpt. 1, including any applicable extended area service (pursuant to Minn. Rules pt. 7812.0800, subpt. 1).
- ☐ Other issues (specify) _____
- _____
- _____

☒ P. All applications must be accompanied by a \$570 filing fee.

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IV. RECOMMENDATION OF THE DEPARTMENT

☒ A. Find that applicant possesses the managerial, technical, and financial abilities required under Minnesota law to provide telecommunications services.

☐ B. Grant a conditional certification of authority to provide the following services:

☐ i. Facilities-based local exchange company

☐ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.

☐ statewide

☐ other (specify exchanges) _____

☐ b. Exchanges served by Qwest Corporation

☐ statewide

☐ other (specify exchanges) _____

☐ c. Exchanges served by Sprint Minnesota

☐ statewide

☐ other (specify exchanges) _____

☐ d. Exchanges served by Frontier Communications of Minnesota

☐ statewide

☐ other (specify exchanges) _____

☐ e. Exchanges served by the following incumbent local exchange companies:

☐ statewide

☐ other (specify exchanges) _____

☒ ii. Resale of local exchange service

☒ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.

☒ statewide

☐ other (specify exchanges) _____

☒ b. Exchanges served by Qwest Corporation

☒ statewide

☐ other (specify exchanges) _____

☒ c. Exchanges served by Sprint Minnesota

☒ statewide

☐ other (specify exchanges) _____

☒ d. Exchanges served by Frontier Communications of Minnesota

☒ statewide

☐ other (specify exchanges) _____

☒ e. Exchanges served by the following incumbent local exchange companies:

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- ☒ statewide
☐ other (specify exchanges) _____
- ☒ iii. Long Distance Service
- ☒ a. Statewide
☐ b. Other (specify) _____
- ☐ iv. Local Niche Service
- ☐ a. Statewide
☐ b. Other (specify) _____

☐ C. Grant an operational certificate of authority to provide the following services:

- ☐ i. Facilities-based local exchange company (not subject to standing Order)
- ☐ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ b. Exchanges served by Qwest Corporation
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ c. Exchanges served by Sprint Minnesota
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ d. Exchanges served by Frontier Communications of Minnesota
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ e. Exchanges served by the following incumbent local exchange companies:
- _____

- ☐ statewide
☐ other (specify exchanges) _____
- ☐ ii. Resale of local exchange service
- ☐ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ b. Exchanges served by Qwest Corporation
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ c. Exchanges served by Sprint Minnesota
- ☐ statewide
☐ other (specify exchanges) _____
- ☐ d. Exchanges served by Frontier Communications of Minnesota
- ☐ statewide
☐ other (specify exchanges) _____

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- ☐ e. Exchanges served by the following incumbent local exchange companies:

☐ statewide
☐ other (specify exchanges) _____

- ☐ iii. Long Distance Service

- ☐ a. Statewide
☐ b. Other (specify) _____

- ☐ iv. Local Niche Service

- ☐ a. Statewide
☐ b. Other (specify) _____

- ☒ D. Require the applicant to fulfill the following conditions for approval of operational certification:

- ☐ 1. Filing of tariff
☐ 2. Commission approval of interconnection agreement
☒ 3. Commission approval of 911 plan
☐ 4. Filing of certificate from Minnesota Secretary of State
☐ 5. Filing of service area map
☐ 6. Filing of narrative description of service area
☐ 7. Filing of toll-free number
☒ 8. Review of company's customer service scripts by Department and OAG-RUD, and non-objection by both agencies
☒ 9. Filing containing the following tariff revisions within 30 days of the issuance of an order in this case: **The phrase "normal residential usage" should be defined in the company's tariff, when referring to the conditions on the company's "unlimited" long distance in its bundled plans. In addition, the same information should be incorporated into the company's customer service scripts.**

CHECKLIST FOR PROCESSING ORIGINAL TARIFFS OR PRICE LISTS

I. TYPE OF TARIFF OR PRICE LIST

- ☒ A. Local Exchange Tariff/Price List
- ☐ B. Access Services Tariff/Price List
- ☒ C. Long Distance Tariff/Price List
- ☐ D. Local Niche Services Tariff/Price List

II. REGULATORY REQUIREMENTS THAT ONLY APPLY TO THE TARIFFS OR PRICE LISTS OF LOCAL EXCHANGE CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810 and Minn. Rules pt. 7812.0600 are as follows:

- ☒ A. The tariffs or price lists of local exchange carriers must offer the following services to all customers pursuant to Minn. Rules pt. 7812.0600 (basic service requirements):
 - ☒ single party voice-grade service and touch-tone capability;
 - ☒ 911 or enhanced 911 access;
 - ☒ 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
 - ☒ access to directory assistance, directory listings, and operator services;
 - ☒ toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P999/CI-96-38 (September 16, 1996). These Orders state that no telecommunications providers may disconnect local exchange service for nonpayment of toll service. These Orders also require local exchange carriers to offer toll blocking and bill screening services with no monthly charge.;
 - ☒ one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
 - ☒ a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
 - ☒ call-tracing capability according to chapter 7813;
 - ☒ (i) call Trace provisions in tariff mirror Commission's tariff templates.

- ☒ blocking capability according to the Commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P999/CI-92-992 (December 3, 1993). These Orders require local exchange carriers, who offer class services, to offer CLASS trace services and per call and residential per line blocking of CLASS services with no monthly charge. These Orders also require local exchange carriers, who offer CLASS services, to also educate their customers regarding their options with respect to CLASS services and blocking options. In addition, these Orders require companies offering CLASS services to offer per call business blocking to certain businesses (i.e., businesses which meet special criteria) without a monthly charge and anonymous call rejection without a separate charge. Businesses that meet special criteria include law firms and medical offices. Residential customers must be offered per line and per call blocking. A one-time cost-based installation fee maybe applied to customers who request line blocking after an initial period of at least 90 days; and
- ☒ telecommunications relay service capability or access necessary to comply with state and federal regulations.
- ☒ B. A Separate flat rate service offering is required pursuant to Minn. Rules pt. 7812.0600, subpt. 2. At a minimum, each local service provider (LSP) shall offer the services identified in Minn. Rules pt. 7812.0600, subpt. 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.
- ☒ C. Service area obligations under Minn. Rules pt. 7812.0600, subpt. 3: An LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.
- ☒ D. Service disconnection requirements under Minn. Rules pt. 7812.0600, subpt. 7: An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to 7810.2000, except that it shall not disconnect basic local service for nonpayment of toll or information service charges or any service other than basic local service.

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- ☒ E. A competitive local exchange carrier shall offer each end user at least one flat rate calling area that matches the flat rate calling area offered that customer by the local exchange carrier under Minn. Rules pt. 7812.0900, subpt. 1, including any applicable extended area service (pursuant to Minn. Rules pt. 7812.0800, subpt. 1).
- ☒ F. Local exchange companies must comply with the requirements of Minn. Stat. § 237.73 before disconnecting local exchange services in cases of fraud. Minn. Stat. § 237.73 generally requires a local exchange carrier to obtain a temporary restraining order or injunction before disconnecting local exchange services in cases of fraud.
- ☒ G. Local exchange carriers who propose to include provisions in their tariffs or price lists allowing for individual case based (ICB) pricing of local exchange services must comply with the Commission's applicable policies and Orders.
- ☐ H. Local exchange carriers that are Eligible Telecommunications Carriers (ETCs) must offer the Link-up Program.
 - ☐ (i) Link-up provisions in tariff mirror Commission's tariff templates.
 - ☒ (ii) Carrier is not an ETC and is not required to offer Link-Up.
- ☒ I. All local exchange carriers who introduce promotions must file the appropriate notices with their promotions pursuant to the requirements of Minn. Stat. § 237.626. Minn. Stat. § 237.626 states that "The notice must identify customers to whom the promotion is available and include cost information demonstrating that the revenue from the service covers incremental cost, including cost of the promotion." The notice must include information showing the number of units projected to be sold during the promotion and the projected revenue to be derived during the promotion less the cost of the promotion (including the cost of the charge that is being waived and the administrative cost of carrying out the promotion) to derive the net value of the promotion.
- ☒ J. Local exchange carriers may not withhold number portability from customers whose accounts are in arrears. Docket Nos. P5692, 421/M-99-196; P5669, 430/M-99-701.
- ☒ K. Local service providers must offer the Telephone Assistance Plan (TAP).
 - ☒ (i) TAP provisions in tariff mirror Commission's tariff templates.
- ☒ L. Local exchange carriers that file tariffs imposing termination charges on wireless carriers must abide by the Commission's Orders in Docket No. P511/M-03-811.

III. REGULATORY REQUIREMENTS THAT APPLY ONLY TO THE TARIFFS OR PRICE LISTS OF LONG DISTANCE CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810, Minnesota law, and applicable Commission Orders are as follows:

- x A. Minn. Stat. §237.74, subd. 2 prohibits discrimination with respect to long distance services and states as follows: "No telecommunications carrier shall offer telecommunications service within the state upon terms or rates that are unreasonably discriminatory. No telecommunications carrier shall unreasonably limit its service offerings to particular geographic areas unless facilities necessary for the service are not available and cannot be made available at reasonable costs. The rates of a telecommunications carrier must be the same in all geographic locations of the state unless for good cause the commission approves different rates. A company that offers long-distance services shall charge uniform rates and charges on all long-distance routes and in all geographic areas in the state where it offers the services. However, a carrier may offer or provide volume or term discounts or may offer or provide unique pricing to certain customers or to certain geographic locations for special promotions, and may pass through any state, municipal, or local taxes in the specific geographic areas from which the taxes originate."
- x B. Federal law prohibits IXCs from deaveraging interstate rates based on differing access charges and preempts inconsistent state law on intrastate rates that might otherwise permit such deaveraging.¹
- x C. With respect to those carriers who bill for uncompleted calls, the Commission's October 16, 1987 Notice to All Long Distance Carriers requires carriers to notify their customers regarding policies relating to billing for uncompleted telephone calls and the policies regarding the availability and procedures for providing refunds of those billed amounts.

IV. REGULATORY REQUIREMENTS THAT APPLY TO THE TARIFFS OR PRICE LISTS OF ALL TELECOMMUNICATIONS CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810, Minnesota law, and applicable Commission Orders are as follows:

- x A. The disconnection requirements in Minn. Rules pt. 7810.1800 through 7810.2200 apply to all telephone companies. Minn. Rules pt. 7810.1800 specifies the permissible reasons to disconnect service with notice. Minn. Rules pt. 7810.1900 specifies permissible reasons to disconnect service without notice. Minn. Rules pt. 7810.2000 specifies nonpermissible reasons to disconnect service. Minn. Rules pt. 7810.2100 requires that service shall not be disconnected on any Friday, Saturday, Sunday, or legal holiday, or any time when the utility's business offices are not open to the public, except where an emergency exists. Minn. Rules pt. 7810.2200 states that a utility shall not charge a reconnect fee for disconnection of service without notice pursuant to Minn. Rules pt. 7810.1900 (B).
- (i) Disconnection provisions in tariff mirror Commission's tariff templates.

¹ Policy and Rules Concerning the Interstate, Interexchange Marketplace, "Report and Order," 1996 WL 444636, 11 F.C.C.R. 9564, 11 FCC Rcd. 9564 (Aug. 07, 1996) (No. CC 96-61, FCC 96-331) at ¶¶38, 46.

Company: My Tel Co, Inc.
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- x B. Notices sent out pursuant to Minn. Rules Ch. 7810 must comply with the notice requirements of Minn. Rules pt. 7810.2300. The notice requirements under Minn. Rules pt. 7810.2300 require, among other things, that notice must precede the action to be taken, such as disconnection, by at least five days excluding Sundays and legal holidays.
- x C. All telephone companies operating in Minnesota must comply with the Commission's deposit and guarantee requirements in Minn. Rules pt. 7810.1500 through 7810.1700. Minn. Rules pt. 7810.1500 states that deposits can only be based on a customer's utility credit rating. Minn. Rules pt. 7810.1600 requires that deposits be refunded after 12 months of prompt payment of bills to a given telephone company. Minnesota Statutes §325E.02 requires interest to be paid on deposits over \$20 at the rate set by the Commissioner of the Department of Commerce, and posted on the Department's website at www.commerce.state.mn.us. Minn. Rules pt. 7810.1700 covers guarantee of payment.
- ___(i) Deposit provisions in tariff mirror Commission's tariff templates.
- ___(ii) No deposit required.
- x D. All telephone companies who apply a returned check charge must comply with the requirements of Minn. Stat. § 604.113. Minn. Stat. § 604.113 states that "a service charge of up to \$30, may be imposed immediately on any dishonored check by the payee or holder of the check, regardless of mailing a notice of dishonor, if notice of the service charge was conspicuously displayed on the premises when the check was issued. Only one service charge may be imposed under this paragraph for each dishonored check. The displayed notice must also include a provision notifying the issuer of the check that civil penalties may be imposed for nonpayment." To satisfy this requirement, local service providers must list the returned check charge in their annual notice of customer rights required under Minn. Rules 7812.1000 and in their tariffs. Long distance providers must list the charge in their tariffs.
- x E. Telephone companies are not allowed to disconnect service in cases of insolvency or bankruptcy that are unrelated to the payment of services to a given telephone company. Minn. Rules pt. 7810.1500 states that "no utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer." Minn. Rules pt. 7810.1800 does not allow for disconnection of services in general cases of bankruptcy and insolvency which are unrelated to the use of the utility's services.
- x F. The Commission requires telephone companies who require advance payments from some, but not all, subscribers of a given service to comply with the Commission's deposit rules with respect to these advance payments. This requirement was established pursuant to the Commission's Order of April 1, 1993 for Docket No. P999/CI-92-868.

Company: My Tel Co, Inc.
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- ☒ G. Telecommunications carriers may not include "forum selection" clauses in their tariffs or contracts which requires customers to litigate in an out-of-state forum. Docket No. P5358, 5381/C-97-1197, Order issued December 29, 1997.
- ☒ H. Telecommunications carriers may not include mandatory arbitration provisions in their tariffs. Customers must have the option of filing complaints with the Commission or filing a claim in court in lieu of arbitration. Docket No. P3073/TC-97-1326, Order Issued February 25, 1998.
- ☒ I. All telephone companies must comply with the Commission's dial service requirements. Minn. Rules pt. 7810.5300 requires complete dialing of called numbers on at least 97 percent of telephone calls.
- ☒ J. All telephone companies operating in Minnesota are required, under the tariff filing requirements of Minn. Stat. § 237.07 and § 237.74, subd. 1 to submit tariff or price list filings for individual promotions. Although telephone companies may include general language in their tariffs or price lists indicating that they offer promotions, the companies should be aware that individual tariff or price list filings must be filed and the filings must describe the individual promotions in detail.
- ☐ K. All telephone and telecommunications carriers should include, in their tariffs, the Commission's template on "Customer Complaints and/or Billing Disputes." Inclusion of this template in the tariff is an informal requirement of the Commission's staff. Failure to include the template in the tariff may result in a processing delay.
- ☐ L. Other issues (specify) _____

V. RECOMMENDATION OF THE DEPARTMENT

- ☐ A. Approve the proposed tariff/price list as filed by the Company.
- ☐ B. Approve the proposed tariff/price list as filed by the Company and revised on the following date(s): _____
- ☒ C. Approve the proposed tariff/price list contingent upon the Company filing the following tariff revisions within 30 days of the date of issuance of the Order in this case:
The phrase "normal residential usage" should be defined in the company's tariff, when referring to the conditions on the company's "unlimited" long distance in its bundled plans.



Item 5

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

January 31, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: In the Matter of the Application of First Communications, LLC for a Certificate of
Authority to Provide Facilities-Based Local Exchange Service
Docket No. P6589/NA-06-1716

Dear Dr. Haar:

Applications for certificates of authority may be approved without hearing under Minn. Stat. §216A.03, subd. 7. The Public Utilities Commission's (Commission) Order designating certain applications for certificates of authority as being subject to a standing Order was issued on August 25, 2000 in Docket No. P999/CI-00-634. The use of a standing Order is to apply to filings submitted on or after September 1, 2000.

As required by the Commission's August 25, 2000 Order, the Department of Commerce (Department) has reviewed and analyzed the current filing. Attached is the Department's checklist for processing applications for certificates of authority. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules.

The application for certification was filed on: December 19, 2006

The application was filed by:

Katherine Barker Marshall
Kelley Drye & Warren LLP
3050 K Street NW, Suite 400
Washington, DC 20007

The application requested the following type of certification: Certificate of Authority to provide Facilities-Based and Resold Local exchange services, and interexchange service. Pursuant to Minnesota Rules part 7812.0200 subp. 2, a certificate to provide local facilities-based service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota.

Recommended Action: Conditional Approval of the Application to provide Facilities-Based and Resold Local Exchange services; Conditional Approval of the Application to provide Interexchange Services

Conditions to Receive Operational Authority for Local Exchange Service:

- 1) Commission approval of 911 plan for each area served;
- 2) Commission approval of interconnection agreement with Qwest;
- 3) Addition of call tracing template to local exchange tariff;
- 4) Section 4.1.3. of tariff should be updated to specify any early termination charges to be charged to customers;
- 5) Company should include in its tariff whether it requires a deposit;
- 6) If company chooses to charge access charges, it must first file an access tariff;
- 7) Filing of certificate from Minnesota Secretary of State's office.

Conditions to Receive Operational Authority for Interexchange and Local Niche Services:

- 1) Filing of certificate from Minnesota Secretary of State's office;
- 2) If company intends to provide local niche service, it must include so in its tariff.

The applicant may not provide local services until conditions listed above for local exchange service have been fulfilled.

The Department's analysis finds that the Application for Certification complies with the Commission's requirements as indicated on the attached checklists. The Department is submitting this memorandum recommending that the Commission approve the Application for Certification either at a Commission hearing or by way of the standing order process approved by the Commission on August 25, 2000.

Sincerely,

/s/ MICHELLE REBHOLZ
Rates Analyst

MR/jl
Attachment

CHECKLIST FOR PROCESSING APPLICATIONS FOR CERTIFICATES OF AUTHORITY

Key

X: Analyst has reviewed this item and found item to be compliant with law, or confirming information is contained in the filing.

NC: Analyst has reviewed this item and found non-compliance with law.

W: Noncompliance with Rules, but Waiver Requested. Recommendation section will state if waiver is supported by DOC.

NA: Not Applicable, or does not describe characteristic of filing or applicant.

Blank space: Spaces may be left blank if they are for inapplicable subparts to a checklist item, or if only one of several choices is to be selected.

I. TYPE OF CERTIFICATION REQUESTED BY APPLICANT

- ☒ x A. Facilities-based local exchange company (Note, Minn. Rules pt. 7812.0200, subpt. 2 states that a certificate to provide facilities-based local exchange service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota)
- ☒ x i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority (not subject to August 25, 2000 standing Order in Docket No. P999/CI-00-634)
- ☒ x B. Resale of local exchange service
- ☒ x i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority
- ☒ x C. Long Distance Service
- ☒ x i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority
- ☒ x D. Local Niche Service
- ☒ x i. Conditional certificate of authority
- ☐ ii. Operational certificate of authority

II. GEOGRAPHIC AREA OF CERTIFICATION

- ☒ A. Facilities-based local exchange company
- ___ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
 ___ statewide
 ___ other (specify exchanges) _____
- ☒ b. Exchanges served by Qwest Corporation
 ☒ statewide
 ___ other (specify exchanges) _____
- ___ c. Exchanges served by Sprint Minnesota
 ___ statewide
 ___ other (specify exchanges) _____
- ___ d. Exchanges served by Frontier Communications of Minnesota
 ___ statewide
 ___ other (specify exchanges) _____
- ___ e. Exchanges served by the following incumbent local exchange companies:

 ___ statewide
 ___ other (specify exchanges) _____
- ☒ B. Resale of local exchange service
- ___ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
 ___ statewide
 ___ other (specify exchanges) _____
- ☒ b. Exchanges served by Qwest Corporation
 ☒ statewide
 ___ other (specify exchanges) _____
- ___ c. Exchanges served by Sprint Minnesota
 ___ statewide
 ___ other (specify exchanges) _____
- ___ d. Exchanges served by Frontier Communications of Minnesota
 ___ statewide
 ___ other (specify exchanges) _____
- ___ e. Exchanges served by the following incumbent local exchange companies:

 ___ statewide
 ___ other (specify exchanges) _____
- ___ C. Long Distance Service
- ___ i. Statewide
- ___ ii. Other (specify) _____
- ___ D. Local Niche Service
- ___ i. Statewide
- ___ ii. Other (specify) _____

III. APPLICATION REQUIREMENTS OF THE APPLICANT

Minn. Stat. §237.16, subd. 1(b) and §237.74, subd. 12 mandate that companies obtain a certificate of authority prior to offering regulated telecommunications services in Minnesota. A conditional certificate of authority is permitted under Minn. Rules pts. 7812.0300, subpt. 4 and 7812.0350, subpt. 4 when the submission and Commission approval of tariffs and interconnection agreements is a prerequisite for providing the services identified in the applicable petition for certification. The requirements for certification for providers of facilities-based local exchange service, resellers of local exchange service, long distance service, and local niche services are listed in Minn. Rules pt. 7812.0300, 7812.0350, 7812.0400, and 7812.0500 respectively.

Minn. Rules pt. 7812.0300, subpt. 2 (parts A through N) describe the application requirements and the decision criteria for granting a certificate of authority. Companies applying for certification to provide long distance, local niche, or resale of local service must meet A to L of the filing requirements, except for the information, relevant to facilities-based local exchange service providers, which is identified in Minn. Rules pt. 7812.0300, subpt. 2, items G and K. The application requirements of Minn. Rules pt. 7812.0300, subpt. 2 (A through N) are as follows:

- x A. Company has the managerial, technical and financial ability, required under Minnesota law, to provide telecommunications services in Minnesota.
- x B. All applications must include the applicant's full legal name and address, including the address of the applicant's place of business; if a corporation, the names, addresses, telephone numbers, and business experience of its officers; if a partnership or limited liability partnership, the names, addresses, telephone numbers, and business experience of persons authorized to bind the partnership; or, if a limited liability company, the names, addresses, and telephone numbers of its managers;
- x C. All applications must include a description of the applicant's organizational structure, including documentation identifying the petitioner's legal status, for example, sole proprietorship, partnership, limited liability partnership, company, limited liability company, corporation, and so forth; a copy of its articles of incorporation; and, a list of shareholders, partners, or members owning ten percent or more of the interest in the business;
- x D. All applications must include a list of the applicant's affiliates, subsidiaries, and parent organizations, if any;
- x E. All applications must include a description of the nature of the applicant's business, including a list of the services it provides. Note: Applicants that intend to provide prepaid local service must include a statement indicating that they have reviewed Minnesota Rules part 7810.1800-7810.2300 and that their proposed service complies with these Rules. Specifically, these Rules do not allow a carrier to disconnect an end

user until the end user has received a disconnect notice. Disconnect notices may not be issued until after an event listed under Minnesota Rules 7810.1800 (A)-(H) has occurred.

 x F. All applications must include a description of the applicant's business history, including: (1) the date the business was first organized, the dates of subsequent reorganizations, and the date the applicant started providing telephone or other telecommunications services; and (2) the applicant's experience providing telephone company services or telecommunications services in Minnesota and other jurisdictions, including the types of services provided, the dates and nature of state or federal authorization to provide those services, the length of time it has provided those services, and pending or completed criminal, civil, or administrative action taken against the applicant by a state or federal authority, including any settlements, in connection with the applicant's provision of telephone company services or telecommunications services;

 x G. All applications must include a financial statement of the applicant, for the most recent fiscal year and the financial statement must consist of a balance sheet, an income statement, notes to the financial statement, and, if available, an annual report;

 x (i) Positive equity (required for facilities-based authority)

 x (ii) Company has the financial capacity necessary for the proposed undertaking

 x H. Applications for facilities-based authority must include a list and description of the types of services the applicant seeks authority to offer: (1) including the classes of customers the applicant intends to serve; (2) indicating the extent to which it intends to provide service through use of its own facilities, the purchase of unbundled network elements, or resale; (3) identifying the types of services it seeks authority to provide by reference to the general nature of the service, for example, voice, custom calling, signaling, information, data, and video; and (4) listing the technology that will be used to deliver the service, for example, fiber-optic cable, digital switches, or radio;

 x I. All applications must include a proposed price list or tariff setting forth the rates, terms, and conditions of each service offering, unless the applicant is seeking a conditional certificate under subpart 4 and has not yet developed the information listed in this item;

 x (i) Tariff checklist is satisfactory

 x J. Applications for authority to provide local exchange service must include a service area map providing the information required under part 7810.0500, subpart 2, and narrative description of the area for which the applicant is seeking certification, except that if the applicant does not have the necessary agreements or tariffs to serve the entire area for which certification is sought, a map providing the information required under part 7810.0500, subpart 2, and a narrative delineating specifically those areas in which the applicant is currently prepared to provide service. A list of

each of the exchanges for which the company is seeking certification will be accepted as the service area map where the entire exchange is served and each exchange is individually identified. Note also that applications for authority to provide local niche service must include a narrative description of the area for which the applicant is seeking certification;

 x K. All applications must include the date by which the applicant expects to offer local service to the entire service area for which the applicant is seeking certification, including the applicant's estimated timetable for providing at least some of its services through use of its own network facilities;

 x L. Applications for facilities-based authority must include a description of the applicant's policies, personnel, and equipment or arrangements for customer service and equipment maintenance, including information demonstrating the applicant's ability to respond to customer complaints and inquiries promptly and to perform maintenance necessary to ensure compliance with the quality requirements set forth in the Commission's rules;

 NC M. All applications must include a copy of the applicant's certificate to conduct business from the Minnesota Secretary of State;

 X N. An application for facilities-based authority must include a description of the applicant's technology and facilities, as well as the location or proposed location of those facilities;

 x i. Description of end users' connection to the network:

 x Connection to network will be made through ILEC's local loop.

 Broadband connection will be used to access the network:

 1. Connecting signal will be integrated into the end user's connection with the Internet.

 2. Connecting signal will be a separate connection on the same facility.

 3. Connecting signal will be on a separate facility from the end user's Internet access. Explain:

 Connection to network will be made through a facility other than LEC's local loop or broadband connection.

 x ii. Description of method to provision transport between different local calling areas:

 x transport provisioned via public switched network.

 transport provisioned via public Internet backbone.

 transport provisioned via private IP network.

 transport provisioned via other method. Explain

 x iii. Description of location of switches or soft-switches that the applicant will use to provide the facilities based local services.

- x iv. Description of the availability of nomadic connection to network:
 _____ Nomadic connection available (i.e. service can be used from more than one location).
 x Nomadic connection not available.
- x v. Description of whether the facilities based local service permits a Minnesota end user to be assigned a telephone number associated with a rate center in which the end user is not physically located.
- x vi. Description of scope of facilities based local service offering:
 x Service to be offered on retail basis.
 _____ Service to be offered on wholesale basis.
- x vii. Description of target market for facilities based local services:
 x Individual residential households.
 x Small business customers.
 x Large business/large organization customers.
 _____ Other CLECs and ILECs.
- x O. Other information needed to demonstrate that the applicant has the managerial, technical, and financial ability to provide the services it intends to offer consistent with the requirements of this chapter and applicable law including the following:
- x i. All applicants must have a toll-free number required pursuant to Minn. Rules pt. 7812.0300, subpt. 3(G).
 x Toll free number has been called.
 x 1. Toll-free number is operational.
 _____ 2. Toll-free number is not operational. Explain:
 x Company states that toll free number will appear on customer bills.
- x ii. All applications must include a description of the extent to which the applicant has had any civil, criminal, or administrative action against it in connection with the applicant's provision of telecommunications services.
- W iii. All applications for authority to provide local service must be served on the Department, the OAG-RUD, the Department of Administration, persons certified to provide telecommunications service within the petitioner's designated service area, and the city clerk, or other official authorized to receive service or notice on behalf of the municipality, of all municipalities within the petitioner's designated service area in compliance with Minn. Rules pt. 7812.0200, subpt. 6.
- x iv. Applicants requesting authority to provide local exchange service must file a 911 plan that complies with the requirements of Minn. Rules pt. 7812.0550.
 _____ 911 checklist is satisfactory
- x v. Applicants requesting authority to provide local exchange service must agree to offer the following services to all customers pursuant to Minn. Rules pt. 7812.0600 (basic service requirements):
 x single party voice-grade service and touch-tone capability;
 x 911 or enhanced 911 access;
 x 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;

- x access to directory assistance, directory listings, and operator services;
- x toll and information service-blocking capability without recurring monthly charges as provided in the Commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P999/CI-96-38 (September 16, 1996);
- x one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
- x a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
- x call-tracing capability according to chapter 7813;
- x tariff language on blocking capability according to the Commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P999/CI-92-992 (December 3, 1993). Specifically, these Orders require companies offering CLASS services to offer per call business blocking to certain businesses (i.e., businesses which meet special criteria), anonymous call rejection, and per call unblocking of blocked lines without a separate charge. Businesses that meet special criteria include law firms and medical offices. Residential customers must be offered per line and per call blocking. There must be no recurring charges for blocking of caller identification services. A one-time cost-based installation fee maybe applied to customers who request line blocking after an initial period of at least 90 days; and
- x telecommunications relay service capability or access necessary to comply with state and federal regulations.
- x A Separate flat rate service offering. At a minimum, each local service provider (LSP) shall offer the services identified in Minn. Rules pt. 7812.0600, subpt. 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and Commission Orders.
- x Service area obligations: A LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall

within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.

 x Service disconnection. An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to 7810.2000, except that it shall not disconnect basic local service for nonpayment of toll or information service charges or any service other than basic local service.

 x A competitive local exchange carrier shall offer each end user at least one flat rate calling area that matches the flat rate calling area offered that customer by the local exchange carrier under Minn. Rules pt. 7812.0900, subpt. 1, including any applicable extended area service (pursuant to Minn. Rules pt. 7812.0800, subpt. 1).

 Other issues (specify) _____

 x P. All applications must be accompanied by a \$570 filing fee.

IV. RECOMMENDATION OF THE DEPARTMENT

 x A. Find that applicant possesses the managerial, technical, and financial abilities required under Minnesota law to provide telecommunications services.

 x B. Grant a conditional certification of authority to provide the following services:

 x i. Facilities-based local exchange company

 a. Exchanges served by Citizens Telecommunications of Minnesota Inc.

 statewide

 other (specify exchanges) _____

 x b. Exchanges served by Qwest Corporation

 statewide

 other (specify exchanges) _____

 c. Exchanges served by Sprint Minnesota

 statewide

 other (specify exchanges) _____

d. Exchanges served by Frontier Communications of Minnesota
 statewide
 other (specify exchanges)

 e. Exchanges served by the following incumbent local exchange
 companies:

 statewide
 other (specify exchanges)

 x ii. Resale of local exchange service

 a. Exchanges served by Citizens Telecommunications of Minnesota
 Inc.

 statewide
 other (specify exchanges)

 x b. Exchanges served by Qwest Corporation

 x statewide
 other (specify exchanges)

 c. Exchanges served by Sprint Minnesota

 statewide
 other (specify exchanges)

 d. Exchanges served by Frontier Communications of Minnesota

 statewide
 other (specify exchanges)

 e. Exchanges served by the following incumbent local exchange
 companies:

 statewide
 other (specify exchanges)

 x iii. Long Distance Service

 x a. Statewide

 b. Other (specify)

 x iv. Local Niche Service

 x a. Statewide

 b. Other (specify)

 C. Grant an operational certificate of authority to provide the following services:

 i. Facilities-based local exchange company (not subject to standing Order)

 a. Exchanges served by Citizens Telecommunications of Minnesota
 Inc.

 statewide
 other (specify exchanges)

 b. Exchanges served by Qwest Corporation

 statewide
 other (specify exchanges)

- ☐ c. Exchanges served by Sprint Minnesota
 ☐ statewide
 ☐ other (specify exchanges) _____
- ☐ d. Exchanges served by Frontier Communications of Minnesota
 ☐ statewide
 ☐ other (specify exchanges) _____
- ☐ e. Exchanges served by the following incumbent local exchange companies:

 ☐ statewide
 ☐ other (specify exchanges) _____

☐ ii. Resale of local exchange service

- ☐ a. Exchanges served by Citizens Telecommunications of Minnesota Inc.
 ☐ statewide
 ☐ other (specify exchanges) _____

- ☐ b. Exchanges served by Qwest Corporation
 ☐ statewide
 ☐ other (specify exchanges) _____

- ☐ c. Exchanges served by Sprint Minnesota
 ☐ statewide
 ☐ other (specify exchanges) _____

- ☐ d. Exchanges served by Frontier Communications of Minnesota
 ☐ statewide
 ☐ other (specify exchanges) _____

- ☐ e. Exchanges served by the following incumbent local exchange companies:

 ☐ statewide
 ☐ other (specify exchanges) _____

☐ iii. Long Distance Service

- ☐ a. Statewide
☐ b. Other (specify) _____

☐ iv. Local Niche Service

- ☐ a. Statewide
☐ b. Other (specify) _____

☒ D. Require the applicant to fulfill the following conditions for approval of operational certification:

- ☒ 1. Filing of tariff for local niche services, if applicant intends to provide local niche services
- ☒ 2. Commission approval of interconnection agreement
- ☒ 3. Commission approval of 911 plan
- ☒ 4. Filing of certificate from Minnesota Secretary of State

- ☐ 5. Filing of service area map
- ☐ 6. Filing of narrative description of service area
- ☐ 7. Filing of toll-free number
- ☐ 8. Filing of the following information: _____

☒ 9. Filing containing the following tariff revisions within 30 days of the issuance of an order in this case: **Section 4.1.3 should be updated to specify the company's Early Termination Charges. Company should state in its tariff whether it requires a deposit, and include the Commission's templates on deposit if it will require deposits. Addition of call tracing template in tariff.**

CHECKLIST FOR PROCESSING ORIGINAL TARIFFS OR PRICE LISTS

I. TYPE OF TARIFF OR PRICE LIST

- ☒ A. Local Exchange Tariff/Price List
- ☐ B. Access Services Tariff/Price List
- ☒ C. Long Distance Tariff/Price List
- ☐ D. Local Niche Services Tariff/Price List

II. REGULATORY REQUIREMENTS THAT ONLY APPLY TO THE TARIFFS OR PRICE LISTS OF LOCAL EXCHANGE CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810 and Minn. Rules pt. 7812.0600 are as follows:

- ☒ A. The tariffs or price lists of local exchange carriers must offer the following services to all customers pursuant to Minn. Rules pt. 7812.0600 (basic service requirements):
 - ☒ single party voice-grade service and touch-tone capability;
 - ☒ 911 or enhanced 911 access;
 - ☒ 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
 - ☒ access to directory assistance, directory listings, and operator services;
 - ☒ toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P999/CI-96-38 (September 16, 1996). These Orders state that no telecommunications providers may disconnect local exchange service for nonpayment of toll service. These Orders also require local exchange carriers to offer toll blocking and bill screening services with no monthly charge.;
 - ☒ one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
 - ☒ a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;

- ☒ call-tracing capability according to chapter 7813;
 - ☐ (i) call Trace provisions in tariff mirror Commission's tariff templates.
 - ☒ blocking capability according to the Commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P999/CI-92-992 (December 3, 1993). These Orders require local exchange carriers, who offer class services, to offer CLASS trace services and per call and residential per line blocking of CLASS services with no monthly charge. These Orders also require local exchange carriers, who offer CLASS services, to also educate their customers regarding their options with respect to CLASS services and blocking options. In addition, these Orders require companies offering CLASS services to offer per call business blocking to certain businesses (i.e., businesses which meet special criteria) without a monthly charge and anonymous call rejection without a separate charge. Businesses that meet special criteria include law firms and medical offices. Residential customers must be offered per line and per call blocking. A one-time cost-based installation fee maybe applied to customers who request line blocking after an initial period of at least 90 days; and
 - ☒ telecommunications relay service capability or access necessary to comply with state and federal regulations.
- ☒ B. A Separate flat rate service offering is required pursuant to Minn. Rules pt. 7812.0600, subpt. 2. At a minimum, each local service provider (LSP) shall offer the services identified in Minn. Rules pt. 7812.0600, subpt. 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.
- ☒ C. Service area obligations under Minn. Rules pt. 7812.0600, subpt. 3: An LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to

customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.

- x D. Service disconnection requirements under Minn. Rules pt. 7812.0600, subpt. 7: An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to 7810.2000, except that it shall not disconnect basic local service for nonpayment of toll or information service charges or any service other than basic local service.
- x E. A competitive local exchange carrier shall offer each end user at least one flat rate calling area that matches the flat rate calling area offered that customer by the local exchange carrier under Minn. Rules pt. 7812.0900, subpt. 1, including any applicable extended area service (pursuant to Minn. Rules pt. 7812.0800, subpt. 1).
- x F. Local exchange companies must comply with the requirements of Minn. Stat. § 237.73 before disconnecting local exchange services in cases of fraud. Minn. Stat. § 237.73 generally requires a local exchange carrier to obtain a temporary restraining order or injunction before disconnecting local exchange services in cases of fraud.
- x G. Local exchange carriers who propose to include provisions in their tariffs or price lists allowing for individual case based (ICB) pricing of local exchange services must comply with the Commission's applicable policies and Orders.
- H. Local exchange carriers that are Eligible Telecommunications Carriers (ETCs) must offer the Link-up Program.

 - (i) Link-up provisions in tariff mirror Commission's tariff templates.
 - x (ii) Carrier is not an ETC and is not required to offer Link-Up.
- x I. All local exchange carriers who introduce promotions must file the appropriate notices with their promotions pursuant to the requirements of Minn. Stat. § 237.626. Minn. Stat. § 237.626 states that "The notice must identify customers to whom the promotion is available and include cost information demonstrating that the revenue from the service covers incremental cost, including cost of the promotion." The notice must include information showing the number of units projected to be sold during the promotion and the projected revenue to be derived during the promotion less the cost of the promotion (including the cost of the charge that is being waived and the administrative cost of carrying out the promotion) to derive the net value of the promotion.
- X J. Local exchange carriers may not withhold number portability from customers whose accounts are in arrears. Docket Nos. P5692, 421/M-99-196; P5669, 430/M-99-701.

- x K. Local service providers must offer the Telephone Assistance Plan (TAP).
 - x (i) TAP provisions in tariff mirror Commission's tariff templates.
- x L. Local exchange carriers that file tariffs imposing termination charges on wireless carriers must abide by the Commission's Orders in Docket No. P511/M-03-811.

III. REGULATORY REQUIREMENTS THAT APPLY ONLY TO THE TARIFFS OR PRICE LISTS OF LONG DISTANCE CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810, Minnesota law, and applicable Commission Orders are as follows:

- x A. Minn. Stat. § 237.74, subd. 2 prohibits discrimination with respect to long distance services and states as follows: "No telecommunications carrier shall offer telecommunications service within the state upon terms or rates that are unreasonably discriminatory. No telecommunications carrier shall unreasonably limit its service offerings to particular geographic areas unless facilities necessary for the service are not available and cannot be made available at reasonable costs. The rates of a telecommunications carrier must be the same in all geographic locations of the state unless for good cause the commission approves different rates. A company that offers long-distance services shall charge uniform rates and charges on all long-distance routes and in all geographic areas in the state where it offers the services. However, a carrier may offer or provide volume or term discounts or may offer or provide unique pricing to certain customers or to certain geographic locations for special promotions, and may pass through any state, municipal, or local taxes in the specific geographic areas from which the taxes originate."
- x B. Federal law prohibits IXCs from deaveraging interstate rates based on differing access charges and preempts inconsistent state law on intrastate rates that might otherwise permit such deaveraging.¹
- x C. With respect to those carriers who bill for uncompleted calls, the Commission's October 16, 1987 Notice to All Long Distance Carriers requires carriers to notify their customers regarding policies relating to billing for uncompleted telephone calls and the policies regarding the availability and procedures for providing refunds of those billed amounts.

¹ Policy and Rules Concerning the Interstate, Interexchange Marketplace, "Report and Order," 1996 WL 444636, 11 F.C.C.R. 9564, 11 FCC Rcd. 9564 (Aug. 07, 1996) (No. CC 96-61, FCC 96-331) at ¶¶38, 46.

IV. REGULATORY REQUIREMENTS THAT APPLY TO THE TARIFFS OR PRICE LISTS OF ALL TELECOMMUNICATIONS CARRIERS

The regulatory requirements of Minn. Rules Ch. 7810, Minnesota law, and applicable Commission Orders are as follows:

- x A. The disconnection requirements in Minn. Rules pt. 7810.1800 through 7810.2200 apply to all telephone companies. Minn. Rules pt. 7810.1800 specifies the permissible reasons to disconnect service with notice. Minn. Rules pt. 7810.1900 specifies permissible reasons to disconnect service without notice. Minn. Rules pt. 7810.2000 specifies nonpermissible reasons to disconnect service. Minn. Rules pt. 7810.2100 requires that service shall not be disconnected on any Friday, Saturday, Sunday, or legal holiday, or any time when the utility's business offices are not open to the public, except where an emergency exists. Minn. Rules pt. 7810.2200 states that a utility shall not charge a reconnect fee for disconnection of service without notice pursuant to Minn. Rules pt. 7810.1900 (B).
 - (i) Disconnection provisions in tariff mirror Commission's tariff templates.

- x B. Notices sent out pursuant to Minn. Rules Ch. 7810 must comply with the notice requirements of Minn. Rules pt. 7810.2300. The notice requirements under Minn. Rules pt. 7810.2300 require, among other things, that notice must precede the action to be taken, such as disconnection, by at least five days excluding Sundays and legal holidays.

- x C. All telephone companies operating in Minnesota must comply with the Commission's deposit and guarantee requirements in Minn. Rules pt. 7810.1500 through 7810.1700. Minn. Rules pt. 7810.1500 states that deposits can only be based on a customer's utility credit rating. Minn. Rules pt. 7810.1600 requires that deposits be refunded after 12 months of prompt payment of bills to a given telephone company. Minnesota Statutes §325E.02 requires interest to be paid on deposits over \$20 at the rate set by the Commissioner of the Department of Commerce, and posted on the Department's website at www.commerce.state.mn.us. Minn. Rules pt. 7810.1700 covers guarantee of payment.
 - (i) Deposit provisions in tariff mirror Commission's tariff templates.
 - (ii) No deposit required.

- x D. All telephone companies who apply a returned check charge must comply with the requirements of Minn. Stat. § 604.113. Minn. Stat. § 604.113 states that "a service charge of up to \$30, may be imposed immediately on any dishonored check by the payee or holder of the check, regardless of mailing a notice of dishonor, if notice of the service charge was conspicuously displayed on the premises when the check was issued. Only one service charge may be imposed under this paragraph for each dishonored check. The displayed notice

must also include a provision notifying the issuer of the check that civil penalties may be imposed for nonpayment." To satisfy this requirement, local service providers must list the returned check charge in their annual notice of customer rights required under Minn. Rules 7812.1000 and in their tariffs. Long distance providers must list the charge in their tariffs.

- x E. Telephone companies are not allowed to disconnect service in cases of insolvency or bankruptcy that are unrelated to the payment of services to a given telephone company. Minn. Rules pt. 7810.1500 states that "no utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer." Minn. Rules pt. 7810.1800 does not allow for disconnection of services in general cases of bankruptcy and insolvency which are unrelated to the use of the utility's services.
- x F. The Commission requires telephone companies who require advance payments from some, but not all, subscribers of a given service to comply with the Commission's deposit rules with respect to these advance payments. This requirement was established pursuant to the Commission's Order of April 1, 1993 for Docket No. P999/CI-92-868.
- x G. Telecommunications carriers may not include "forum selection" clauses in their tariffs or contracts which requires customers to litigate in an out-of-state forum. Docket No. P5358, 5381/C-97-1197, Order issued December 29, 1997.
- x H. Telecommunications carriers may not include mandatory arbitration provisions in their tariffs. Customers must have the option of filing complaints with the Commission or filing a claim in court in lieu of arbitration. Docket No. P3073/TC-97-1326, Order Issued February 25, 1998.
- x I. All telephone companies must comply with the Commission's dial service requirements. Minn. Rules pt. 7810.5300 requires complete dialing of called numbers on at least 97 percent of telephone calls.
- x J. All telephone companies operating in Minnesota are required, under the tariff filing requirements of Minn. Stat. § 237.07 and § 237.74, subd. 1 to submit tariff or price list filings for individual promotions. Although telephone companies may include general language in their tariffs or price lists indicating that they offer promotions, the companies should be aware that individual tariff or price list filings must be filed and the filings must describe the individual promotions in detail.
- K. (All telephone and telecommunications carriers should include, in their tariffs, the Commission's template on "Customer Complaints and/or Billing Disputes." Inclusion of this template in the tariff is an informal requirement)

of the Commission's staff. Failure to include the template in the tariff may result in a processing delay.

 L. Other issues (specify) _____

V. RECOMMENDATION OF THE DEPARTMENT

 A. Approve the proposed tariff/price list as filed by the Company.

 B. Approve the proposed tariff/price list as filed by the Company and revised on the following date(s):

 x C. Approve the proposed tariff/price list contingent upon the Company filing the following tariff revisions within 30 days of the date of issuance of the Order in this case:

Section 4.1.3 should be updated to specify the company's Early Termination Charges. Company should state in its tariff whether it requires a deposit, and include the Commission's templates on deposit if it will require deposits. Addition of call tracing template to tariff.

Item 6



85 7th Place East, Suite 500
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January 29, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. P556/M-07-77

Dear Dr. Haar:

Attached are the comments of the Minnesota Department of Commerce in the following matter:

A request of Polar Communications Telephone Mutual Aid Corporation to change the name on its certificate of authority to Polar Communications Mutual Aid Corporation.

The petition was filed on January 23, 2007:

James E. Oss
Olsen, Thielen and Co.
223 Little Canada Road
St. Paul, MN 55117

The Department recommends **approval**, and is available to answer any questions the Commission may have.

Sincerely,

/s/ DIANE DIETZ
Rates Analyst

DD/sm
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P556/M-07-77

I BACKGROUND

A. PROCEDURAL HISTORY

On January 2, 2007, the Commission issued its Order approving the merger, with conditions, between Polar Communications Mutual Aid Corporation (Polar) and its wholly owned subsidiary Polar Telecommunications, Inc. (PTI). The Commission, in its January 2, 2007 Order, also opened an investigation, under Minn. Stat. §237.081, to examine allegations relating to the application of untariffed rates.

On January 23, 2007, Polar submitted a revised tariff reflecting the rates, terms and conditions of service of the merged company in compliance with the requirements of the Commission's January 2, 2007 Order. In filing the revised tariff, it became apparent that Polar had inadvertently neglected to file, with the Minnesota Public Utilities Commission, a corporate name change that had been instituted in 1980 when Polar filed a certificate of amendment to its articles of incorporation with the State of North Dakota.

In the current case, Polar does not expect the name change to have a material effect on the day-to-day operations of the Company.

B. FACTUAL BACKGROUND OF CASE

The Department verified that Polar has registered its new name with the Office of the Minnesota Secretary of State.

Polar has submitted revised tariffs containing its proposed name. Polar has indicated that the revised tariff does not contain any rate revisions other than a proposed rate increase to the nonrecurring charge applicable to advanced calling services.

II. STATEMENT OF ISSUES

Whether Polar has satisfied the applicable regulatory requirements to change its name?

III. DISCUSSION OF LAW

Minn. Rule pt. 7812.0300, subpt. 2 requires an applicant's full legal name for certification. A change in the name, under which a company operates, requires Commission approval so that a certificate of authority reflects the current name. Minn. Stat. §237.07 and Minn. Rules pt. 7812.0300, subpt. 6 requires a company to file tariffs to reflect any changes in terms or conditions of service.

IV. ANALYSIS

The Department reviews each name change request for the relevant consumer, legal and policy issues. Name changes need to be monitored so that only authorized companies provide telephone or telecommunications service in Minnesota. Companies should be permitted to freely make such name changes as long as the name changes are properly registered with governmental agencies charged with tracking the presence of these companies.

The Department has examined Polar's current petition for compliance with the implied requirements of Minn. Rule pt. 7812.0300. The Company has registered its new name with the Office of the Minnesota Secretary of State and has filed revised tariffs reflecting the new name.

The Department believes that Polar's delay in filing the name change instituted in 1980 was inadvertent and has had no impact on its customers. Therefore, the Department is not recommending that enforcement action be taken as a result of the delay in filing the name change. Issues relating to the investigation into allegations of charging untariffed rates, which was initiated by the Commission in its January 2, 2007 Order, will be handled in Docket No. P556, 6101/CI-06-1739.

The Department has no objections to the name change proposal and recommends approval of the proposed rate increase to the nonrecurring charge applicable to advanced calling services as of March 24, 2007 (which is 60 days after the January 23, 2007 filing date as required by Minn. Stat. §237.075, subd. 1). The Department recommends that the rest of the tariff be approved as of the January 23, 2007 filing date.

V. COMMISSION ALTERNATIVES

- A. Approve the request of Polar Communications Telephone Mutual Aid Corporation to change the name on its certificate of authority to Polar Communications Mutual Aid Corporation. Approve the proposed rate increase to the nonrecurring charge applicable to

advanced calling services as of March 24, 2007 (which is 60 days after the January 23, 2007 filing date as required by Minn. Stat. §237.075, subd. 1). Approve the rest of the tariff, filed on January 23, 2007, as of the January 23, 2007 filing date. Issues relating to the investigation into allegations of charging untariffed rates, which was initiated by the Commission in its January 2, 2007 Order, will be handled in Docket No. P556, 6101/CI-06-1739. The Company is directed to file a revised Tariff Section 10, page 10 to reflect the March 24, 2007 effective date of the rate increase to the nonrecurring charge applicable to advanced calling services.

- B. Disapprove the request of Polar to change its name.
- C. Approve the proposal with modifications.

VI. RECOMMENDATION

Approve the request of Polar Communications Telephone Mutual Aid Corporation to change the name on its certificate of authority to Polar Communications Mutual Aid Corporation. Approve the proposed rate increase to the nonrecurring charge applicable to advanced calling services as of March 24, 2007 (which is 60 days after the January 23, 2007 filing date as required by Minn. Stat. §237.075, subd. 1). Approve the rest of the tariff, filed on January 23, 2007, as of the January 23, 2007 filing date. Issues relating to the investigation into allegations of charging untariffed rates, which was initiated by the Commission in its January 2, 2007 Order, will be handled in Docket No. P556, 6101/CI-06-1739. The Company is directed to file a revised Tariff Section 10, page 10 to reflect the March 24, 2007 effective date of the rate increase to the nonrecurring charge applicable to advanced calling services.

/sm



Item 7

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January 26, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. P5535/M-07-26

Dear Dr. Haar:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

Request to amend the certificate of authority of Charter Fiberlink, LLC to expand its service area.

The petition was filed on January 5, 2007 by:

Kennard B. Woods
Counsel for Charter Fiberlink, LLC
Friend, Hudak, & Harris, LLP
Three Ravinia Drive
Atlanta, Georgia 30346-2117

The Department of Commerce recommends that Charter Fiberlink, LLC be granted conditional authority to provide local service in the Minnesota exchanges of Albert Lea, Austin, Brainerd, Cass Lake, Glenwood, Nisswa, Park Rapids, Red Wing, Staples, Tracy, Wadena, Aitkin, Alexandria, Browerville, Crosby, Deerwood, Long Prairie, and Eagle Lake. Before providing service in an exchange requested in this petition, Charter Fiberlink, LLC must first receive: 1) Commission approval of an interconnection agreement with the incumbent serving that exchange; and 2) Commission approval of a county 911 plan incorporating each affected exchange.

Sincerely,

/s/ KATHERINE DOHERTY
Rates Analyst

KD/jl
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P5535/M-07-26

I. BACKGROUND

A. PROCEDURAL HISTORY

On December 31, 1997, the Commission granted Marcus Fiber Link, in Docket No. P5535/NA-97-993, a certificate of authority to provide local niche services in the exchanges served by Qwest Corporation and Embarq Minnesota, Inc.

In Docket No P5535/PA-99-1679, on February 8, 2000, the Commission approved a request for the acquisition of Marcus Fiber Link and Bresnan Telephone Company by Charter Communications Holding Company.

On May 31, 2000, in Docket No. P5535/M-00-450, the Commission approved the name change of Marcus Fiber Link to Charter Fiberlink, LLC (Charter Fiberlink).

In Docket P5535, P5704/PA-05-1484, on December 14, 2005, the Commission approved the transfer of certain assets from Seren Innovations, Inc. (Seren) to Charter Fiberlink. Among other things, the Commission transferred Seren's Certificate of Authority to provide facilities-based local exchange service in the Qwest exchanges of St. Cloud and St. Joseph.

On June 28, 2006, in Docket No. P5535/M-06-625, the Commission approved Charter Fiberlink's request to amend its certificate of authority to include the following exchanges:

Incumbent Local Exchange Carrier	Exchanges
Qwest Corporation	Duluth
	Northfield
	Twin Cities Metropolitan Service Area
	Little Falls
	Sauk Centre
	Marshall
	Montevideo
	Willmar
	Rochester
	Stewartville
	Winona
Embarq Minnesota, Inc.	Cokato
	Osseo
	Eyota
	Benson
Citizens Telecommunications Company of Minnesota, Inc.	Mound
	Byron
	Cottonwood
Frontier Communications of Minnesota	Apple Valley
Mankato Citizens Telephone Company	Mankato

October 18, 2006, in Docket No. P5535/M-06-1284, the Commission approved Charter Fiberlink's petition to amend its Certificate of Authority to provide facilities-based local exchange service in the Qwest exchanges of Faribault and Owatonna.

B. FACTUAL BACKGROUND OF CASE

On January 5, 2007, Charter Fiberlink filed an application to amend its existing certificate of authority to allow the Company to provide facilities-based local exchange services (including resold local exchange service, interexchange service, and local niche service) in the following exchanges:

Incumbent Local Exchange Carrier	Exchanges
Qwest Corporation	Albert Lea
	Austin
	Brainerd
	Cass Lake
	Glenwood
	Nisswa
	Park Rapids
	Red Wing
	Staples
	Tracy
	Wadena
Embarq Minnesota, Inc.	Aitkin
	Alexandria
	Browerville
	Crosby
	Deerwood
	Long Prairie
Mid-Communications	Eagle Lake

II. STATEMENT OF ISSUES

- 1) Whether the Commission should grant an amended certificate of authority to Charter Fiberlink.

III. LEGAL REFERENCES

Under Minn. Stats. §237.16, subd. 4 and Minn. Rules part 7812.0300, subp. 5, the Commission must decide upon a petition for an amended certificate of authority within 20 days. Minn. Stat. §237.16, subd. 4 mandates that local service providers obtain an amended certificate of authority before expanding their service areas.

Minn. Rules pt. 7812.0300, subd. 5, describes the requirements and the decision criteria for granting an amendment to a certificate of authority for a change in service area. Minn. Rules pt. 7812.0300, subd. 5 states that a petition to modify a local service provider's service area must

include a revised map and descriptive narrative delineating the petitioner's proposed service area changes. The petition must be served on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. An amended certificate is deemed approved within 20 days of the petition's service date unless the petition involves an acquisition under Minn. Stat. §237.23 or an objection to the petition is filed within 20 days of the petition's service date.

Minn. Rules pt. 7812.0550, subpt. 1 requires a competitive local exchange carrier to obtain Commission approval of a comprehensive 911 plan before providing local service in an area. The local exchange carrier filing the plan must serve the plan on the Department of Commerce, the Office of the Attorney General's Residential Utilities Division, the Department of Administration, and if the carrier proposes to serve within the metropolitan area, the Executive Director of the Metropolitan 911 Board. Minn. Rules pt. 7812.0550, subpt. 3 establishes the requirements for a 911 plan.

IV. ANALYSIS

The Department believes that Charter Fiberlink's request to amend the certificate of authority fulfills the requirements of Minn. Stat. §237.16, subd. 4 and Minn. Rules pt. 7812.0300, subpt. 5. The Company has provided proof of service on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. The filing has included, in lieu of a map, a list of the exchanges in which Charter Fiberlink proposes to expand its service area. The filing does not involve an acquisition under Minn. Stat. §237.23 and the Department is not aware of any objections to the petition. Charter Fiberlink states that it has entered into interconnection agreements with Qwest, Embarq, and HickoryTech.¹ Charter Fiberlink will need to receive Commission approval of 911 plans for the counties which encompass the newly added exchanges, and any interconnection agreements not yet filed and approved for the affected areas, before it begins serving in its expanded territory.

V. ALTERNATIVES

1. Grant Charter Fiberlink's petition without conditions.
2. Grant Charter Fiberlink's petition to serve the following exchanges, conditioned upon Commission approval of 911 plans and interconnection agreement(s) for the affected areas:

¹ The Department notes that while the Charter Fiberlink has entered into an interconnection with one of the HickoryTech companies (Mankato Citizens) it has not yet entered into an agreement with MidCommunications, the company in whose territory Charter Fiberlink proposes to serve. Charter Fiberlink has acknowledged this and states that it is presently in interconnection negotiations with MidCommunications.

Incumbent Local Exchange Carrier	Exchanges
Qwest Corporation	Albert Lea
	Austin
	Brainerd
	Cass Lake
	Glenwood
	Nisswa
	Park Rapids
	Red Wing
	Staples
	Tracy
	Wadena
Embarq Minnesota, Inc.	Aitkin
	Alexandria
	Browerville
	Crosby
	Deerwood
	Long Prairie
Mid-Communications	Eagle Lake

VI. RECOMMENDATION

The Department recommends alternative 2. The Commission should approve Charter Fiberlink's petitions conditioned upon its submission, and Commission approval of, interconnection agreements and 911 plans for the affected exchanges noted above.

/jl



Item 8

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January 24, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. P421/AM-07-34

Dear Dr. Haar:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

Request to amend the certificate of authority of Qwest Corporation to expand its service area.

The petition was filed on January 10, 2007 by:

JoAnn Hanson
Qwest Corporation
200 South Fifth Street, Room 2200
Minneapolis, MN 55402

The Department of Commerce recommends that Qwest Corporation be granted a variance for filing a 911 plan to serve the expanded area and be granted authority to provide local service in the area listed in its petition. The Department recommends that no conditions be placed on Qwest's petition.

Sincerely,

/s/ MICHELLE REBHOLZ
Rates Analyst

MR/sm
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P421/AM-07-34

I. BACKGROUND

A. PROCEDURAL HISTORY

Qwest Corporation (Qwest) is an Incumbent Local Exchange Carrier (ILEC) serving specific service areas in Minnesota.

B. FACTUAL BACKGROUND OF CASE

On January 10, 2007, Qwest filed an application to amend its existing certificate of authority to allow the Company to provide local exchange services in a specific portion of Maple Grove, just outside Qwest's Anoka exchange to serve two customers. The service area is part of Embarq's Osseo exchange. Qwest's application falls under Minn. Rules pt. 7812.0300, subp. 5 and Minn. Stat. §237.16, subd. 4.

II. STATEMENT OF ISSUES

- 1) Whether the Minnesota Public Utilities Commission (Commission) should grant an amended certificate of authority to Qwest.

III. LEGAL REFERENCES

Under Minn. Stats. §237.16, subd. 4 and Minn. Rules part 7812.0300, subp. 5, the Commission must decide upon a petition for an amended certificate of authority within 20 days. Minn. Stat. §237.16, subd. 4 mandates that local service providers obtain an amended certificate of authority before expanding their service areas.

Minn. Rules pt. 7812.0300, subd. 5, describes the requirements and the decision criteria for granting an amendment to a certificate of authority for a change in service area. Minn. Rules pt. 7812.0300, subd. 5 states that a petition to modify a local service provider's service area must include a revised map and descriptive narrative delineating the petitioner's proposed service area changes. The petition must be served on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. An amended certificate is deemed approved within 20 days of the petition's service date unless the petition involves an acquisition under Minn. Stat. §237.23 or an objection to the petition is filed within 20 days of the petition's service date.

Minnesota Rules pt. 7812.0550, subp. 1 requires a CLEC to submit to the Commission a comprehensive plan, detailing how it will provide 911 service to its customers in a manner consistent with applicable law, including chapter 1215, and comparable to the provision of 911 service by the local exchange carrier (LEC) operating in the competitive local exchange carrier's service area.

IV. ANALYSIS

The Minnesota Department of Commerce (Department) believes that Qwest's request to amend the certificate of authority fulfills the requirements of Minn. Stat. §237.16, subd. 4 and Minn. Rules pt. 7812.0300, subpt. 5. The Company has provided service on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. The filing has included a map and a descriptive narrative delineating the petitioner's proposed service area changes. The filing does not involve an acquisition under Minn. Stat. §237.23 and the Department is not aware of any objections to the petition.

Since Qwest will be regulated as a CLEC in the provision of service in the expanded service area,¹ Qwest is required by rule to obtain Commission approval of its 911 plan prior to providing service. Qwest states that because this new service area is adjacent to its ILEC service area and is in the same county as its ILEC area, it does not believe a 911 plan, an interconnection agreement, nor a revision to its tariff is required, as the new customers will be served through Qwest's ILEC facilities. Since Qwest is petitioning to serve only limited areas adjacent to its existing exchange, the Commission should grant a variance to rule 7812.0550 concerning the filing of a 911 plan, pursuant to Minn. Rule 7829.3200. Since variances expire in one year unless otherwise ordered by the Commission, it should be ordered that the variance does not expire with respect to the limited areas in this petition.

¹ Minnesota Rules part 7812.0100, subp. 12(B) states that a CLEC is a telephone company to the extent it provides local service in an exchange area for which neither the company nor any of its predecessors was certified on August 1, 1996.

V. ALTERNATIVES

1. Whether Qwest's petition to serve in the expanded area should be approved.
 - a. Grant Qwest's petition to serve the identified portion of the Osseo exchange without conditions;
 - b. Grant Qwest's petition to serve a portion of the Osseo exchange with conditioned as determined by the Commission.
 - c. Deny Qwest's petition.
2. Whether a variance should be granted to the rule concerning the filing of a 911 plan for the expanded area.
 - a. Grant Qwest a variance, without expiration, from Minn. Rule 7812.0550 to file a 911 plan for the expanded service area.
 - b. Require Qwest to submit a 911 plan for the expanded service area for Commission approval prior to providing service in the expanded area.

VI. DEPARTMENT RECOMMENDATION

- 1.a. Grant Qwest's petition to serve the identified portion of the Osseo exchange without conditions.
- 2.a. Grant Qwest a variance, without expiration, from Minn. Rule 7812.0550 to file a 911 plan for the expanded service area.

/sm



MINNESOTA
DEPARTMENT OF
COMMERCE

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January 29, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East Suite 350
St Paul Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. P423/AM-07-83

Dear Dr. Haar:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

Request to amend the certificate of authority of Paul Bunyan Rural Telephone Cooperative to expand its service area to enable the Company to provide facilities - based local service in the Itasca State Park exchange.

The petition was filed on January 20, 2006 by:

Christopher K. Sandberg
Lockridge, Grindal, Nauen, PLLP
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401-2179

The Department recommends conditional approval of the petition and is available to answer any questions the Commission may have.

Sincerely,

/s/ DIANE DIETZ
Rate Analyst
Telecommunications

DD/jl
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P423/AM-07-83

I. BACKGROUND

A. PROCEDURAL HISTORY

The certificate of authority currently held by Paul Bunyan Rural Telephone cooperative (Paul Bunyan) was originally issued by the Railroad and Warehouse Commission in 1962, 1963 and 1966.

On January 26, 1999, the Minnesota Public Utilities Commission (Commission) approved an amendment to Paul Bunyan's certificate of authority in Docket No. P423/NA-98-1674, which authorized the Company to provide facilities based and resold local services in the City of Bemidji and to provide long distance services throughout Minnesota.

On October 11 and 16, 2002, the Commission approved another amendment to Paul Bunyan's certificate of authority in Docket No. P423/AM-02-1557, which authorized the Company to provide facilities based and resold local services in the Grand Rapids exchange and throughout the Bemidji exchange (i.e., outside the City of Bemidji).

On February 10, 2006, the Commission approved another amendment to Paul Bunyan's certificate of authority in Docket No. P423/AM-06-71, which authorized the Company to provide facilities based services in the Cass Lake exchange.

B. FACTUAL BACKGROUND OF CASE

On January 24, 2007, Paul Bunyan filed an application to amend its existing certificate of authority to allow the Company to provide facilities based local exchange and long distance services in the Itasca State Park exchange of CenturyTel of Minnesota, Inc.

II. STATEMENT OF ISSUES

1. Whether the Commission should grant an amended certificate of authority to Paul Bunyan Rural Telephone Cooperative.

III. LEGAL REFERENCES

Under Minn. Stats. §237.16, subd. 4 and Minn. Rules part 7812.0300, subp. 5, the Commission must decide upon a petition for an amended certificate of authority within 20 days. Minn. Stat. §237.16, subd. 4 mandates that local service providers obtain an amended certificate of authority before expanding their service areas.

Minn. Rules pt. 7812.0300, subd. 5, describes the requirements and the decision criteria for granting an amendment to a certificate of authority for a change in service area. Minn. Rules pt. 7812.0300, subd. 5 states that a petition to modify a local service provider's service area must include a revised map and descriptive narrative delineating the petitioner's proposed service area changes. The Commission has accepted a narrative description of the proposed service area as sufficient to comply with the requirements of this section of the rules as long as the service area is clearly defined. The petition must be served on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. An amended certificate is deemed approved within 20 days of the petition's service date unless the petition involves an acquisition under Minn. Stat. §237.23 or an objection to the petition is filed within 20 days of the petition's service date.

Minn. Rules pt. 7812.0550, subpt. 1 requires a competitive local exchange carrier to obtain Commission approval of a comprehensive 911 plan before providing local service in an area. The local exchange carrier filing the plan must serve the plan on the Department of Commerce, the Office of the Attorney General's Residential Utilities Division, the Department of Public Safety, and if the carrier proposes to serve within the metropolitan area, the Executive Director of the Metro Emergency Services Board. Minn. Rules pt. 7812.0550, subpt. 3 establishes the requirements for a 911 plan.

Minn. Rules pt. 7812.1800 requires a competitive local exchange carrier to obtain Commission approval of an interconnection agreement before providing local service in an area.

IV. ANALYSIS

The Department believes that Paul Bunyan's request to amend the certificate of authority fulfills the requirements of Minn. Stat. §237.16, subd. 4 and Minn. Rules pt. 7812.0300, subpt. 5. The Company has provided proof of service on the parties identified in Minn. Rules pt. 7812.0200, subpt. 6. The filing has included a descriptive narrative delineating the petitioner's proposed service area changes. The filing does not involve an acquisition under Minn. Stat. §237.23 and

the Department is not aware of any objections to the petition. Paul Bunyan needs approval of an interconnection agreement with CenturyTel of Minnesota, Inc. and may need to receive Commission approval of an updated 911 plan, before it begins serving in its expanded territory.

V. ALTERNATIVES

1. Deny Paul Bunyan's petition.
2. Grant Paul Bunyan's petition to amend its certificate of authority to provide facilities based local service in the Itasca State Park exchange, conditional upon Paul Bunyan obtaining Commission approval of an interconnection agreement with CenturyTel of Minnesota, Inc. and any necessary updates to its 911 plan.

VI. RECOMMENDATION

Grant Paul Bunyan's petition to amend its certificate of authority to provide facilities based local service in the Itasca State Park exchange, conditional upon Paul Bunyan obtaining Commission approval of an interconnection agreement with CenturyTel of Minnesota, Inc. and any necessary updates to its 911 plan.

/jl



Item 10

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
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January 25, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: In the Matter of the Joint Application for Approval of an Amendment to the Interconnection Agreement between Prime Time Ventures, LLC and Qwest Corporation
Docket No. PT6442,P421/IC-07-85

Dear Dr. Haar:

Interconnection agreements and amendments to interconnection agreements that are not arbitrated under §252 of the Federal Telecommunications Act of 1996 may be approved without hearing under Minn. Stat. §216A.03, subd. 7. The Public Utilities Commission's (Commission) Order designating interconnection agreements and amendments to interconnection agreements as subject to a standing order was issued on August 25, 2000 in Docket No. P999/CI-00-634. The use of a standing order is to apply to filings submitted on or after September 1, 2000.

As required by the Commission's August 25, 2000 Order, the Department of Commerce has reviewed and analyzed the current filing. Attached is the Minnesota Department of Commerce's Checklist for processing amendments to interconnection agreements. The Checklist reflects the Department's analysis of the issues and language that the Commission has established to meet the requirements that interconnection agreements or amendments thereto not discriminate against third parties, harm the public interest or conflict with state law.

The petition was filed on: January 24, 2007

Interconnection Agreement amended (Docket number and date of Order): Docket No. PT6442,P421/IC-05-466 (4-14-05)

Wireless or Wireline: Wireline

Topic of Amendment: This amendment removes Prime Time Ventures, LLC's (CLEC's) ability to order to purchase Qwest DSL from the existing interconnection agreement as per the Federal Communications Commission's Report and Order and Notice of Proposed Rulemaking in CC Docket No. 02-33, Released September 23, 2005, Paragraphs 102-107. CLEC has a commercial agreement with Qwest to provide DSL (Docket No. PT 6442,P421/M-07-68).

Burl W. Haar
January 25, 2007
Page 2

The Petition was filed by:

Jason D. Topp
Corporate Counsel
Qwest Corporation
200 South 5th Street, Room 2200
Minneapolis, Minnesota 55402

Conditions for approval: None

The Department's analysis finds that the amendment to the interconnection agreement complies with the Commission's requirements as indicated on the attached Checklist. The Department is submitting this memorandum recommending that the Commission **approve** the amendment to the interconnection agreement either at a Commission hearing or by way of the standing order process ordered on August 25, 2000.

Sincerely,

/s/ BRUCE L. LINSCHIED
FINANCIAL ANALYST

BLL/jl
Attachment

**CHECKLIST FOR PROCESSING AMENDMENTS
TO INTERCONNECTION AGREEMENTS**

ANALYTICAL PROCEDURES

A. AMENDMENTS TO INTERCONNECTION AGREEMENTS

- ☒ 1. Amendment modifies an approved interconnection agreement. (Identify docket and date of Order) Docket No. PT6442,P421/IC-05-466 (4-14-05)
- ☐ 2. Amendment addresses language required by the Commission to meet the requirements of 47 CFR 252(e)(2) and (3).
- ☒ 3. The Parties have complied with the Commission's requirement for prior approval of an amendment to an interconnection agreement.¹
- ☐ 4. Amendment addresses an issue on which the Commission has established its position.

Identify the topic: _____

- ☐ a) Language complies with the Commission's position. Indicate the section and page where this language is found. _____
- ☐ b) Language does not comply with the Commission's preference, but was negotiated and, therefore, meets the statutory requirements.² Indicate the section and page where this language is found. _____

- ☒ 5. Amendment does not cover a topic on which the Commission has established a precedent.

- ☒ a. Identify the topic: This amendment removes Prime Time Ventures, LLC's (CLEC's) ability to order to purchase Qwest DSL from the existing interconnection agreement as per the Federal Communications Commission's Report and Order and Notice of Proposed Rulemaking in CC Docket No. 02-33, Released September 23, 2005, Paragraphs 102-107. CLEC has a commercial agreement with Qwest to provide DSL (Docket No. PT 6442,P421/M-07-68).
- ☒ b. Topic does not threaten the public interest, discriminate against third parties or conflict with state law.

¹ In the Matter of the Application for Approval of the Agreement for Interconnection and Traffic Interchange between Cellular Mobil Systems of St. Cloud, Minnesota L.L.P. and U S WEST Communications, Inc., Docket No. P421/EM-97-437 at page 6.

² In the Matter of the Federal Court Remand of Issues Proceeding from the Interconnection Agreements Between U S WEST Communications and Sprint Spectrum, Triad Minnesota, and Cellular Mobil Systems, ORDER AFTER REMAND APPROVING NEGOTIATED LANGUAGE, P5457,421/M-99-794 dated November 24, 1999 at pages 2 and 3.

X 1) Agree (explain). The Parties have agreed to these terms. Nothing in the Amendment challenges the Commission's authority or state law.

 2) Disagree.

 X 6. Specify conditions required for approval.

 a. Yes. (Identify)

 X b. None

 7. Other Comments.

B. RECOMMENDATION OF THE DEPARTMENT

 X 1. Accept the interconnection agreement/amendment.

Conditions: None

 2. Reject the interconnection agreement/amendment. (Not subject to the standing order.)



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January 29, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. P6104/M-07-84

In the Matter of the Relinquishment of Infone LLC's (fka North By NortheastCom LLC)
Certificate of Authority to provide Long Distance Service.

Dear Dr. Haar:

Attached is the Department of Commerce (Department) checklist for processing relinquishment dockets. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules.

Infone LLC received authority to provide Long Distance Service in Docket No. P6104/NA-02-429, approved July 30, 2002.

This petition was filed on January 23, 2007 by:

Robin Norton
Consultant to Infone LLC
Technologies Management Inc.
210 North Park Avenue
Winter Park, FL 32789

Recommended Action: Accept Relinquishment of Infone LLC's Certificate of Authority to provide Long Distance Services.

The Department intends to petition the Commission to require that all carriers discontinue their services to Infone LLC pursuant to Minn. Stat. 237.121 (a)(6). For administrative efficiency, this petition will be filed at a future time with other carriers that have recently relinquished their authority or have recently had their authority revoked. A separate docket number will be assigned to that petition.

Market Assurance: 1.800.657.3602
Energy Information: 1.800.657.3710
www.commerce.state.mn.us

Licensing: 1.800.657.3978
Unclaimed Property: 1.800.925.5668
An Equal Opportunity Employer

Burl W. Haar
January 29, 2007
Page 2

Conditions of Relinquishment: None

Sincerely,

/s/ ROGER SCHNEIDER
Rates Analyst

RS/jl
Attachment

CHECKLIST FOR PROCESSING RELINQUISHMENTS OF CERTIFICATES OF AUTHORITY

I. TYPE OF CERTIFICATION

- ☐ A. Conditional Local Certificate of Authority
- ☒ B. Long Distance Certificate of Authority (Docket No. P6104/NA-02-429, approved July 30, 2002.)
- ☐ C. Local Niche Certificate of Authority (Docket No. _____)

II. RELINQUISHMENT PROCESSES THAT APPLY TO LONG DISTANCE AND LOCAL NICHE CERTIFICATES

- ☒ A. Carrier has provided at least 30 days notice to customers.
☒ Carrier has no customers in Minnesota.
- ☒ B. Carrier remains responsible for any outstanding assessments or other fees currently unpaid to the Department or Commission.
- ☒ Company did file a 2005 annual report.
- ☐ Intrastate jurisdictional revenue must be submitted to enable assessment for the following past years:
- Intrastate jurisdictional revenue will need to be filed by May 1 of the following year if company had intrastate revenues in current year:
☐ Yes ☒ No
- ☐ C. Other: _____

III. RELINQUISHMENT PROCESSES THAT APPLY ONLY TO LOCAL CERTIFICATES

- ☐ A. The carrier has provided at least 60 days written notice of relinquishment to its customers, the Commission, the Department and the Office of Attorney General-Residential Utilities Division (OAG-RUD) as required by Minn. Rules part 7812.0600, subp. 6.
- ☐ B. The carrier's 911 plan, approved in Docket No. (No 911 Plan filed), should be cancelled. The Minnesota Department of Public Safety, and if applicable, the Metropolitan 911 Board have been notified of this recommendation by being placed on the service list for this docket.
- ☐ C. Any Incumbent Local Exchange Carriers (ILECs) that have interconnection agreements with the carrier should be notified that the carrier no longer has authority

to provide telecommunications services in Minnesota and services should no longer be offered under its interconnection agreement(s). The parties to those interconnection agreements have been notified of this recommendation by being placed on the service list in this docket. The carrier's interconnection agreement(s) were approved in Docket Nos.

- ☐ D. The 911 system integrator for the metro area has been notified of the relinquishment of the carrier's certificate of authority by being placed on the service list for this docket. Qwest is the 911 system integrator for the metropolitan area.
- ☐ E. For facilities-based carriers, the North American Numbering Plan Administrator (NANPA) should be notified of the relinquishment of the carrier's certificate of authority so that any NXX blocks assigned to the carrier may be returned to NANPA. NANPA has been added to the service list for this docket.
- ☐ Carrier did not have facilities-based authority.
- ☐ F. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier.
☐ Company did not file any annual reports
- ☐ Intrastate jurisdictional revenue must be submitted to enable assessment for the following past years:
- Intrastate jurisdictional revenue will need to be filed by May 1 of 2006 if the company had intrastate revenues in 2005:
☐ Yes ☐ No
- ☐ G. Other issues (specify) _____

IV. RECOMMENDATION OF THE DEPARTMENT

- ☒ A. Approve the carrier's request to relinquish its authority.
- ☐ B. Approve the carrier's request to relinquish its authority subject to the above action (Restate all actions that are to be taken):